

Public Comment #17  
BOS Recd. 3-10-23

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**From:** Nichole Paine <paine.nichole@gmail.com>  
**Sent:** Thursday, March 9, 2023 7:56 PM  
**To:** BOS-Clerk of the Board  
**Subject:** Human Rights Commission

To whom it may concern;

I absolutely do NOT support the disbanding of the Human Rights Commission. The second reading of this item should be delayed, at a minimum, to sometime in April to allow the community to lodge their feedback with our Supervisors.

Our county has a long history of human rights violations, and other infringements on personal rights. At this very moment, our county is being sued on 2 human rights violations. This is NOT the time to even think about taking away a voice for vulnerable people in our community. This is a despicable overreach by our supervisors.

**Nichole Paine**  
Program Coordinator  
Housing El Dorado  
call/text: 530-303-7233  
[Read HED's Latest News](#)

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**From:** rdmore5300 <rdmore5300@comcast.net>  
**Sent:** Friday, March 10, 2023 9:56 AM  
**To:** BOS-Clerk of the Board  
**Subject:** Human Rights Commission

You don't often get email from rdmore5300@comcast.net. [Learn why this is important](#)

Please keep the HRC! Our area needs it, our kids need to know that people are concerned about what happens to them.

Donnata

Sent from my Galaxy

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**From:** rdmore5300 <rdmore5300@comcast.net>  
**Sent:** Friday, March 10, 2023 9:58 AM  
**To:** BOS-Clerk of the Board  
**Subject:** HRC

You don't often get email from rdmore5300@comcast.net. [Learn why this is important](#)

Hello-

My last email did not include my entire name-

Donnata Moreland  
El Dorado Hills CA

Sent from my Galaxy

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**From:** tita bladen <tita-b@sbcglobal.net>  
**Sent:** Friday, March 10, 2023 10:18 AM  
**To:** BOS-Clerk of the Board  
**Cc:** BOS-District I; Keith Bladen  
**Subject:** BOS Meeting 3/14/23 Agenda item 23-0283

Dear Members of the El Dorado County Board of Supervisors,

I have been a resident and homeowner in El Dorado Hills since 1990.

I support the Human Rights Commission as a vital resource for El Dorado County. I urge you to not disband the HRC in such a hasty manner. Please push out any disbandment decision until a "Get Well" plan has been proposed, agreed to and publicly disseminated.

We need the HRC to be able to Educate, Communicate, and provide the connections to resources that can help marginalized communities. El Dorado County can be a culturally rich environment if we continue to support these resources.

Thank you,  
Dorotea Bladen  
El Dorado Hills, BOS District 1

Sent from my iPad

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**From:** Christy and Vern Jones <kona4sun@gmail.com>  
**Sent:** Friday, March 10, 2023 10:57 AM  
**To:** BOS-Clerk of the Board  
**Subject:** Agenda item 23-0283

You don't often get email from kona4sun@gmail.com. [Learn why this is important](#)

Dear Council members,

Removing the HRC is an unconscionable act in this day and age.

In these times with expansion of extreme ideologies, promoting hate and devicevness, having a commission that advocates for acceptance and unity is essential.

Please reconsider your actions.

Thank you,  
Christy Jones

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**From:** Andrew Irby <andrewirby@gmail.com>  
**Sent:** Friday, March 10, 2023 12:13 PM  
**To:** BOS-Clerk of the Board  
**Subject:** Item # 17 - 23-0283

To the Clerk of the Board and the Board of Supervisors,

I am writing to express my disapproval and legitimate shock that you are having a vote to dissolve the Human Rights Commission. I mean just think about that for a second. For eternity, our public records will state that, for some reason, you decided that Human Rights do not matter in El Dorado County. Literally ALL of your constituents are Humans, and you are saying their rights don't deserve a commission in our county?!?

This will be seen as a failure not just of your moral standards, but of your leadership as well. It is your duty to provide guidance and direction to these commissions, so any perceived failures of the HRC can be traced directly back to your seats. Why on Earth would you want to shoot yourselves in the foot like this? Take a minute and envision the countries and types of governments that come to mind when you imagine a headline reading "(Government Body) Votes to Dissolve Human Rights Commission". If you're imagining the United States, then you clearly have no idea of what this country stands for.

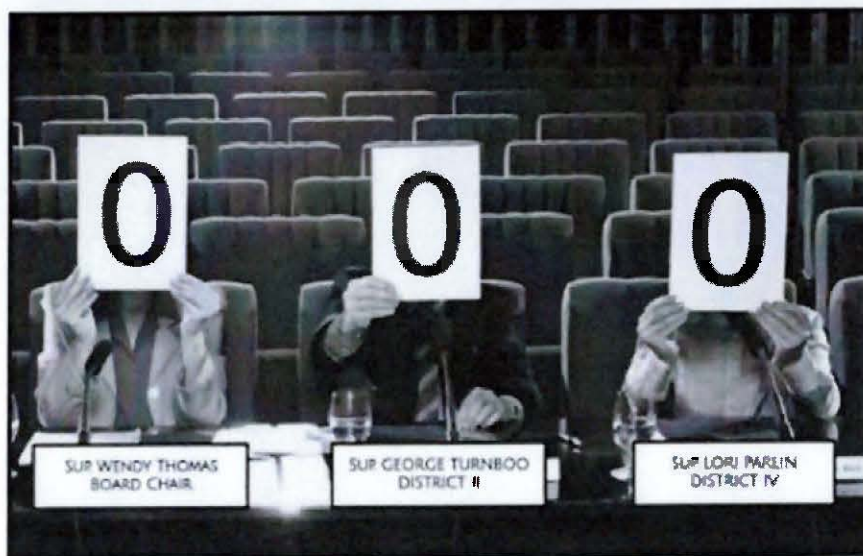
If this resolution passes, you will have the eternal contempt of your voters. Good luck getting reelected in the future.

Disdainfully Yours,  
Andrew Irby  
El Dorado Hills, CA

**From:** Joseph Connolly <retqmcs@gmail.com>  
**Sent:** Friday, March 10, 2023 1:15 PM  
**To:** BOS-District I; BOS-District II; BOS-District III; BOS-District IV; BOS-District V  
**Cc:** BOS-Clerk of the Board; David A Livingston; Tiffany Schmid  
**Subject:** Item 23-0283 - Vote "NO" on "NO EVIDENCE"  
**Attachments:** Zero Evidence\_HRC Disbanding.pdf

Dear Supervisors: On March 14, 2023 I urge you to vote "NO" on item 23-0283, the majority's fraudulent effort to disband the Human Rights Commission, as set forth in my formal complaint dated March 3, 2023.....s/Joseph Connolly

## WHAT EVIDENCE DID THE MAJORITY RELY UPON TO JUSTIFY ITS VOTE TO DISBAND THE HRC?

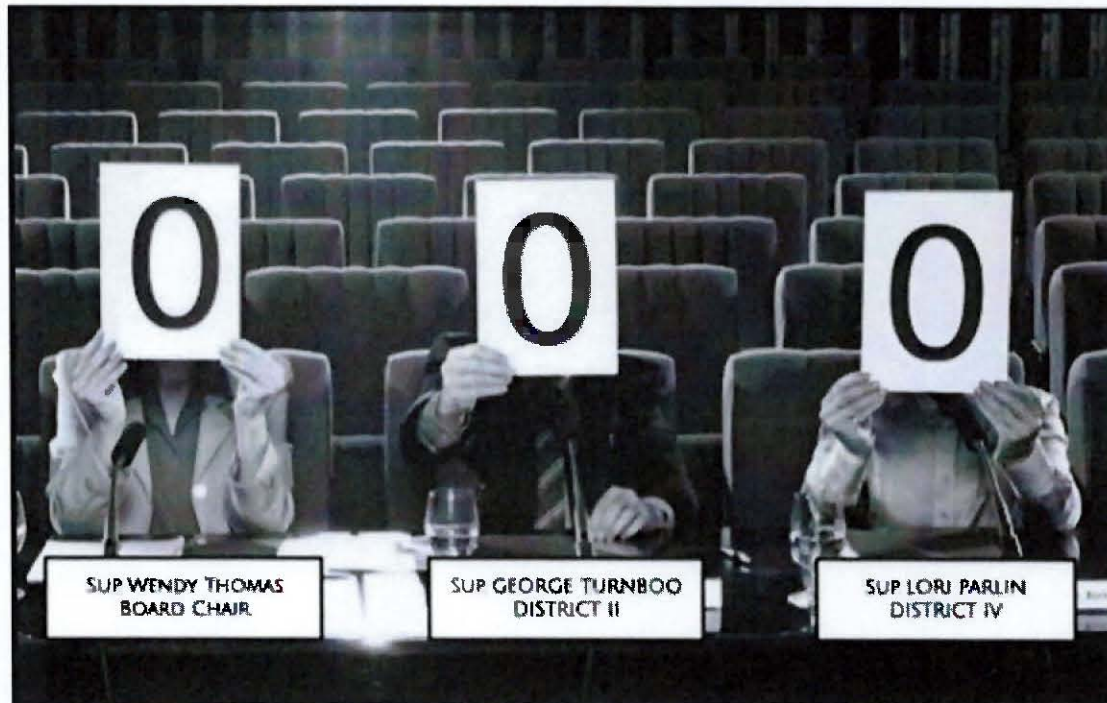


**ANSWER: NONE - ZERO EVIDENCE - X 3**

The Board's standard is "Effective Board members are always prepared. ... They are committed to making decisions based on quality information, evidence and data." (Governance Handbook, p. 4.)

**On March 14, 2023, vote "NO" to reject "NO EVIDENCE."**

**WHAT EVIDENCE DID THE MAJORITY RELY UPON  
TO JUSTIFY ITS VOTE TO DISBAND THE HRC?**



**ANSWER: NONE - ZERO EVIDENCE - X 3**

The Board's standard is "Effective Board members are always prepared. ... They are committed to making decisions based on quality information, evidence and data." (Governance Handbook, p. 4.)

**On March 14, 2023, vote "NO" to reject "NO EVIDENCE."**



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**From:** Joseph Connolly <retqmcs@gmail.com>  
**Sent:** Friday, March 10, 2023 2:53 PM  
**To:** BOS-District III  
**Cc:** BOS-District I; BOS-District II; BOS-District IV; BOS-District V; BOS-Clerk of the Board; David A Livingston; Tiffany Schmid  
**Subject:** Item 2.3-0283 - Stop the perpetuation of a Board fraud regarding the Human Rights Commission - Vote "NO" to disband the HRC  
**Attachments:** Draft BOS Statement\_BOS\_3.6.2023.pdf; Complaint Re Motion to Disband HRC\_3.3.2023.pdf

Dear Supervisor Thomas: As the current chair of the Board of Supervisors, you have the ultimate obligation to comply with the law regarding the Human Rights Commission (Govt. Code, sections 50260-50265), the EDC Ordinance Code restrictions on reconsideration, and the Board's governing principles. Regardless of what any other Supervisor chooses to do, you should uphold those standards above all else, or risk the entire Board's integrity and the public's trust in this Board.

#### **Summary of Board and Staff perpetuated fraud:**

Item 23-0283 is a Board and Staff perpetuated fraud to disband the Human Rights Commission, in flagrant defiance of previously binding Board decisions and the Board's governance principles. You have personally advanced that fraud by voting to disband the commission without any evidence whatsoever, and in apparent ignorance of the applicable Government Code, as I documented in a formal complaint dated March 3, 2023.

- The majority vote to disband the commission was a fraud, wherein personal opinions without any basis in fact replaced the Board's standards of "quality information, evidence and data."
  - You participated in that effort and ultimately voted to advance it by approving a motion to disband the Human Rights Commission.
- The "returned" item, 23-0128, was fraud perpetuated by the Board Clerk and you, by returning a different item than was voted upon by the Board on Jan. 3, 2023.
  - You are responsible for creating the Board agenda and did not comply with the Board's vote and direction of Jan. 3, 2023.
  - You are not authorized to act for the Board or to direct staff on your own; yet, you and the assigned staff who created the Jan. 24, 2023 agenda item did so with complete disregard of the Board's Jan. 3rd direction.
  - On Jan. 24, 2023, you allowed the Board Clerk to fraudulently or misleadingly describe item 23-0128 as more than was voted upon by the Board on Jan. 3, 2023.
  - You did not correct the clerk's misstatements or move to disregard the item as non-compliant with previous Board direction.
- The staff input for the present item, 23-0283, contains a fraudulent statement that you should vote to reject, based on a cumulative Board and staff fraud to disband the Human Rights Commission.
  - Section 2 of attachment B to item 23-0283 is illustrated below. The statement is false because the Board did not make **any** "findings" on Jan. 3, 2023, nor base its decision(s) on any evidence, facts, or data.
  - Though you and Supervisor Parlin made general statements of your feelings about the HRC, including multiple criticisms, those unfounded statements are not evidence, data, or quality information which the Board demands as a governing principle. Your statements are personal opinions and hearsay.
  - Because Section 2 is not based in fact or evidence, and is submitted as the basis for disbanding the Human Rights Commission, you should reject it outright as a basis for moving forward on item 23-0283.

Section 2. The Board of Supervisors finds that the purposes of the Human Rights Commission would be better served through a different organizational structure and, as such, desires to dissolve the Human Rights Commission.

**Responsible Board action on March 14, 2023:**

As Board Chair, I urge you to uphold the responsibility of that position by voting no on item 23-0283, and move the Board to take more responsible action as described below.

1. Item 23-0283 should be rejected in total, by unanimous agreement of the Board (upholding its "Unity of Purpose" governing principle), because the foundation of the item is based on fraud and a complete absence of "quality information, evidence and data."
2. Item 23-0283 should be rejected in total, by unanimous agreement of the Board, because the majority vote of Jan. 24, 2023 violated the Board's reconsideration restrictions as outlined in the County Code.
3. At the very least, item 23-0283 should be tabled because the Board has not responded to a formal complaint regarding the matter. The Board's protocols require a response, but the complaint has not been acknowledged, yet alone addressed.
4. The Board should acknowledge that the item is not ready for action because a formal complaint has been filed but not addressed as required.
5. The Board should proceed in compliance with its governing standards and take more responsible action to address some Supervisor concerns, in lieu of disbanding the Human Rights Commission.
  - o Move and approve the appointment of Supervisor Laine to the Human Rights Commission.
  - o Move and approve that Supervisors Thomas, Parlin and Turnboo submit their Human Rights Commission concerns in writing within 60 days, for the attention of the commission and its appointed Supervisors.

Sincerely, Joseph Connolly

DRAFT STATEMENT OF THE EL DORADO COUNTY  
BOARD OF SUPERVISORS

REGARDING THE EL DORADO COUNTY HUMAN RIGHTS COMMISSION

“Since 1961, the promotion of positive human relations for the purpose of insuring public peace, health, safety, and general welfare of all the people of this State has been a principal governmental concern and responsibility, and remains so today.

A commission’s mandatory responsibilities and obligations are specified in state law and we must follow those mandates. Accordingly, the El Dorado County Board of Supervisors has no authority to dictate different responsibilities or obligations for our local Human Rights Commission.

The El Dorado County Board of Supervisors exercised its authority to create and support a human relations commission in 2018. The current Board does not have authority to reconsider those decisions without complying with an applicable County Code.

Two Supervisors are appointed as members of the Human Rights Commission and may attend meetings as observers. They should not attempt to influence the commission and may not speak for the Board of Supervisors unless they are authorized to do so.

For further information, please see Government Code, sections 50260-50265, El Dorado County Ordinance Code, sections 2.20.1100-1111, and <https://www.edcgov.us/Government/BOS/Human-rights-commission>.”

March 3, 2023

From: Joseph Connolly, M.A.

To: El Dorado County Board of Supervisors

Copy: El Dorado County Chief Administrative Officer  
El Dorado County Counsel

Subj: Complaint Re: Board Decision to Disband the Human Rights Commission

Dear Supervisors:

Attached is my formal complaint to the Board's unfounded decision to disband the El Dorado County Human Rights Commission. ("Commission".)

The Board's majority vote did not reflect any apparent knowledge of the state law governing the Human Rights Commission (See Govt. Code, §§ 50260-50265), nor follow the governance principles the Board agrees to abide by. The majority discussions and motion lacked any evidence to support their unfounded claims with no basis in fact. Nor did the majority follow the County's prescribed reconsideration requirements to justify overturning prior Board decisions that authorized the commission in accordance with the governing state law.

Ironically, the majority could not even bridge its own divides as it went out of its way to disband the commission in favor of appointing Supervisors as "liaisons" to a local non-profit titled "Bridging Divides El Dorado."

There is a more lawful and responsible way to proceed with some Supervisor's concerns about the commission - adherence to the mandatory conditions of Government Code, sections 50260-50265, and the Board's governing principles. Those recommendations are included in the complaint for the Board and commission's consideration.

Sincerely,

*s/Joseph Connolly*

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I.

STATUTORY AUTHORITY REGARDING HUMAN RELATIONS COMMISSIONS

In 1961, the California State Legislature found "that the promotion of positive human relations for the purpose of insuring public peace, health, safety, and general welfare of all the people of this State is a principal governmental concern and responsibility, and counties and cities and counties are hereby authorized to expend public funds to attain these objectives." (Govt. Code, § 50261.) (bold font added.) (See Figure 1.)

3968	STATUTES OF CALIFORNIA	[Ch. 1867
CHAPTER 1867		
<i>An act to add Article 10 (commencing with Section 50260) to Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, relating to the promotion of better understanding and more harmonious relationships among persons of different races, religions, and national origins for the purpose of preserving and promoting the public peace, health, and general welfare.</i>		
In effect September 15, 1961	[Approved by Governor July 15, 1961. Filed with Secretary of State July 13, 1961.]	
<i>The people of the State of California do enact as follows:</i>		
SECTION 1. Article 10 (commencing with Section 50260) is added to Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, to read:		
Article 10. Human Relations		
Purpose	50260. The purpose of this article is to promote the establishment in counties and cities and counties throughout the State of commissions designed to foster peaceful relations in the interest of preserving the public peace among citizens of different races, religions and national origins.	
Legislative findings	50261. It is hereby found that the promotion of positive human relations for the purpose of insuring public peace, health, safety, and general welfare of all the people of this State is a principal governmental concern and responsibility, and counties and cities and counties are hereby authorized to expend public funds to attain these objectives.	
Citizens' commission: Responsibilities	50262. The board of supervisors in any county with a population of more than 2,000,000 may, by ordinance, establish a commission of citizens, which shall carry out the following responsibilities:	
	(a) Engage in research and education for the purpose of lessening racial and religious prejudice and of fostering attitudes among the various groups within its jurisdiction which lead to civic peace and intergroup understanding.	
	(b) Develop and administer programs and plans designed to promote the full acceptance of all citizens in the community in all aspects of community life, without regard to race, religion or national origin.	

Figure 1

1961 Enactment of Human Relations Commissions - Govt. Code, §§ 50260-50262

In 2001 the Legislature amended the original statute to allow the “governing body of any city or county ..., by ordinance, [to] create a commission on human relations.” (*Id.*, § 50262.)

The 2001 amendments also specified the responsibilities and obligations of human rights commissions, including their **mandatory** nature. For example, Government Code, section 50264 reads:

**“It shall be the responsibility of the commission:**

(a) To foster mutual respect and understanding among all people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors.

(b) To make any studies in any field of human relationship in the community as in the judgment of the commission will aid in effectuating its general purposes.

(c) To inquire into incidents of tension and conflict among or between people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors, and to take action by means of conciliation, conference, and persuasion to alleviate those tensions and conflict.

(d) To conduct and recommend any educational programs as, in the judgment of the commission, will increase good will among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.”<sup>1</sup> (bold font added.)

Government Code, section 50265 reads:

**“A commission on human relations created under the provisions of Section 50262 shall discharge the following obligations:**

(a) To hold conferences, and other public meetings, in the interest of the constructive resolution of tensions, prejudice, and discrimination among or between groups of people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors.

(b) To issue any publications and reports of investigation as in its judgment will tend to effectuate the purposes of this article.

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<sup>1</sup> ““Shall” is mandatory and “may” is permissive.” (Govt. Code, § 14.)



(c) To enlist the cooperation and participation of a variety of people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors, industry and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice and equity.

(d) To encourage and stimulate agencies under the jurisdiction of the local governing body that created the commission to take any action as will fulfill the purposes of this article.

(e) To submit an annual report to the governing body.” (bold font added.)

**A.**

**EL DORADO COUNTY HUMAN RIGHTS COMMISSION**

The El Dorado County Human Rights Commission (“Commission”) is described in Article XIV of Chapter 2.20 of the El Dorado County Ordinance Code. (“EDC Code”.)

The commission’s listed responsibilities are nearly identical to those prescribed by Government Code, section 50264, and include the same mandatory nature. One additional responsibility regarding reports was added, similar to the requirement of Government Code, section 50265, subdivision (e).

Section 2.20.1108 of the EDC Code reads:

**“It shall be the responsibility of the Commission:**

A. To foster mutual respect and understanding among all groups of people, including people subject to prejudice and discrimination due to race, creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors.

B. To make any studies in any field of human relationships in the County as, in the judgment of the Commission, will aid in effectuating its general purposes.

C. To conduct and recommend any educational programs as, in the judgment of the Commission, will increase good will among inhabitants of the County and open new opportunities into all phases of community life for all inhabitants.

D. To hold public meetings in the interest of the constructive resolution of tensions, prejudice, and discrimination among or between groups of people, including people subject to prejudice and discrimination due to race, religious creed, color,

national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status or civic interest.

E. To submit regular and special meeting minutes to the County Office of the Clerk of the Board within ten business days following a meeting and to submit an annual report to the Board.” (bold font added.)

## B.

### UNEXPLAINED DIFFERENCES BETWEEN STATE LAW AND COUNTY ORDINANCE

At first glance, the commission’s responsibilities appear to be the same as prescribed by California law. However, there are some unexplained differences from Government Code, section 50264, subdivisions (a) and (c) that should be reviewed by the Board in its review of the commission.

The EDC Code should be modified so as to make the commission’s responsibilities identical to those portions of the governing state law. To illustrate these differences, the following Government Code sections are amended to show how the EDC Code reads.

Government Code, section 50264, subdivision (a) reads: “To foster mutual respect and understanding among all [groups of] people, including people subject to prejudice and discrimination due to race, ~~religious~~ creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors. (Cf. EDC Code, § 2.20.1108(A).)

Government Code, section 50264, subdivision (b) reads: “To make any studies in any field of human relationship in the ~~community~~ [County] as in the judgment of the commission will aid in effectuating its general purposes.” (Cf. EDC Code, § 2.20.1108(B).)

Government Code, section 50264, subdivision (c) reads: “~~To inquire into incidents of tension and conflict among or between people,~~ [To hold public meetings in the interest of the constructive resolution of tensions, prejudice, and discrimination among or between group of people], including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, [or] civic interest; [.] ~~or any other factors, and to take action by means of conciliation, conference, and persuasion to alleviate those tensions and conflict.~~” (Cf. EDC Code, § 2.20.1108(D).)

Government Code, section 50264, subdivision (d) reads: “To conduct and recommend any educational programs as, in the judgment of the commission, will increase good will among inhabitants of the ~~community~~ [County] and open new opportunities into all phases of community life for all inhabitants.” (Cf. EDC Code, § 2.20.1108(C).)

## II. SUPERVISOR’S ROLE WITH COMMISSIONS

The El Dorado County Board of Supervisors (“Board”) “Governance Manual (“Manual” or “Handbook”) was developed in 2017 and is a living document that is regularly reviewed and revised as necessary by the Board.” (Manual, p. 1.)<sup>2</sup>

“[The] manual outlines practices that build and sustain positive Board relationships and define a culture of quality, equity and respect.” It “[i]ncludes revisions adopted by the Board on March 22, 2022.” (*Ibid.*)

Among the five protocols describing “Roles and Responsibilities” is one titled “Role with Advisory Board/Committees/Commissions.” (*Id.*, p. 15.) The rationale for that protocol states that “[a]dvisory committees are established to provide advice and counsel to the entire Board and **reflect the commitment of the Board to transparency, engagement of the community, and high quality, evidence based decision making.** Because of their importance, **it is essential that advisory committees operate in a highly efficient and professional manner.**” (*Ibid.*) (bold font added.)

The Board’s commission protocol states that “[b]ecause of the importance of the County advisory committees, the following guidelines will be followed. ... **The Board shall periodically review [] the advisory committee’s purpose and effectiveness. ... Advisory committees will provide a report to the Board on an annual basis. ... Staff shall monitor the effectiveness of advisory committees through review of meeting minutes and committee reports.**” (*Ibid.*) (bold font added.)

“No more than two Supervisors may attend or be appointed to any advisory committee” with some exceptions that do not apply to the commission. When attending a commission meeting, “Supervisors are observers and should not attempt to influence the committees. One Board member does not speak for the Board unless authorized to do so.” (*Ibid.*)

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<sup>2</sup> The Board’s “Good Governance Handbook” is available online at <https://www.edcgov.us/Government/BOS/Documents/Clean%20Version%20of%20Good%20Governance%20Handbook.pdf>.

**III.**

**TWO SUPERVISORS MUST BE APPOINTED TO THE HUMAN RIGHTS COMMISSION**

The EDC Code mandates that **two members of the commission** “shall be from the current members of the Board, appointed by majority vote of the Board at a regular meeting.” (EDC Code, § 2.20.1102(B)(1).) (bold font added.)

**A.**

**A SECOND SUPERVISOR WAS NOT APPOINTED ON JAN. 3, 2023**

On January 3, 2023 the Board agenda included item 22-2067, listed as “Clerk of the Board recommending the Board make Board Member appointments to various Boards, Commissions or Committees for 2023.” (See Figure 2.)

Board of Supervisors	Minutes - Final	January 3, 2023
28. <u>22-2067</u>	Clerk of the Board recommending the Board make Board Member appointments to various Boards, Commissions or Committees for 2023. The following is a list of current appointments through December 31, 2022:	

Figure 2  
Board Minutes - Item 22-2067 - January 3, 2023

Item 22-2067 listed the current appointments of Supervisor Hidahl and Supervisor Novasel to the commission “through December 31, 2022.” However, a vacancy existed on January 3, 2023 because Supervisor Novasel had termed out of office and been replaced by newly elected Supervisor Brooke Laine. (See Figure 3.)

Human Rights Commission Current Member: Supervisor Novasel, since 2018 Current Member: Supervisor Hidahl, since 2021
--

Figure 3  
List of Supervisors assigned to the Human Rights Commission through Dec. 31, 2022

The commission’s vacancy was discussed by the Board but not filled. Supervisor Hidahl asked to continue his appointment, but no other Board members volunteered to fill the vacancy. Supervisor Parlin remarked, “No. I did it before and it was a complete failure.”

The Board Chair, Supervisor Thomas, asked what the protocol was for an unfilled vacancy. The CAO responded the issue would have to be addressed at a future meeting, because “a similar circumstance had come up before. I would suggest you leave the second member vacant and **direct staff to revisit that and bring some recommendations forward at some point in the near future.**” (bond font, italics added.)

The CAO recommended a discussion item about the matter be included on the January 24, 2023 agenda, owing to the commission’s next meeting being scheduled on January 30, 2023. “So I would suggest we schedule a **discussion item on this** on the January 24th meeting then.” (bond font, italics added.) Supervisor Thomas replied, “Perfect. Alright, sounds good. Thank you.”

The clerk was designated by the CAO as the responsible staff to return the item to the Board.<sup>3</sup>

#### IV.

#### THE BOARD ACTED ON A DIFFERENT ITEM THAN WAS PASSED ON JAN. 3, 2023

On January 3, 2023 the Board unanimously voted to return item 22-2067 for discussion on January 24, 2023. (See Figures 2, 4; fn. 3.)

On January 3, 2023, neither the CAO, nor any Board Member, discussed or voted on expanding item 22-2067 to encompass any other issue(s) other than the unfilled Supervisor vacancy to the commission.

The Board did not move or vote to direct staff to do anything other than return item 22-2067 for Board discussion. (*Ibid.*) Figure 4 would be more accurate if it read, “Staff was directed to return to the Board on January 24, 2023 to further discuss the Human Rights Commission Vacancy.”

A motion was made by Supervisor Parlin, seconded by Supervisor Turnboo to Approve this matter with the following changes:

Staff was directed to return to the Board on January 24, 2023 to further discuss the Human Rights Commission.

Figure 4  
January 3, 2023 Board Minutes - Item 22-2067

<sup>3</sup> See discussion during video time 1:46:16 to 1:48:31, and 2:05:35 to 2:08:19, at [https://eldorado.granicus.com/player/clip/1773?view\\_id=2&redirect=true&h=8f6f1bd3c4be33c2e355f02937acof1e](https://eldorado.granicus.com/player/clip/1773?view_id=2&redirect=true&h=8f6f1bd3c4be33c2e355f02937acof1e).

**A.**  
**NEW BOARD ITEM 23-0128**

On January 24, 2023 the Board agenda included item 23-0128, listed as “Clerk of the Board recommending the Board discuss the purpose, mission and membership of the El Dorado County Human Rights Commission and provide direction to staff on how to proceed.” (See Figure 5.) (bold font added.)

<b>37. <u>23-0128</u></b>	Clerk of the Board recommending the Board discuss the purpose, mission and membership of the El Dorado County Human Rights Commission and provide direction to staff on how to proceed.
<b>FUNDING: N/A</b>	

Figure 5  
Board Minutes - Item 23-0128 - January 24, 2023

The Legistar Record for item 23-0128 listed three “[r]elated files” but omitted the original item, 22-2067, that had been unanimously voted on by the Board to be returned for discussion.<sup>4</sup> (See Figure 6; cf. Figures 2, 4; fn. 3.)

Item 22-2067 was not otherwise included on the Board’s January 24, 2023 agenda.

Details		Reports	
File #:	23-0128	Version:	1
Type:	Agenda Item	Status:	Approved
File created:	1/5/2023	In control:	Board of Supervisors
On agenda:	1/24/2023	Final action:	1/24/2023
Title:	Clerk of the Board recommending the Board discuss the purpose, mission and membership of the El Dorado County Human Rights Commission and provide direction to staff on how to proceed. FUNDING: N/A		
Attachments:	1. A - Human Rights Bylaws, 2. B - Ordinance 5124, 3. Public Comment Board 1-24-2023 BOG 1-24-2023, 4. Public Comment BOG Board 1-24-2023, 5. Public Comment BOG Board 1-23-2023, 6. Public Comment BOG Board 1-20-2023		
Related files:	18-0321, 20-0640, 21-1221, 20-1447		
History (1)			
1 record			
Date	Ver	Action By	Action
1/24/2023	1	Board of Supervisors	Approved

Figure 6  
Legistar Record - Item 23-1028 - As of February 28, 2023

<sup>4</sup> See Legistar record at <https://eldorado.legistar.com/LegislationDetail.aspx?ID=5999681&GUID=B73CB8E0-E67E-4D02-8E73-C9EED883EF58>.

**B.**  
**BOARD DISCUSSION**

The Board discussed item 23-0128 without any reference to its January 3, 2023 vote; that is, no Board member of County staff interjected to note that item 23-0128 was not what the Board voted for return on January 24, 2023, nor that the Clerk of the Board was not given any Board direction to submit item 23-0128.<sup>5</sup>

**1.**  
**CLERK OF THE BOARD MISSTATEMENTS AND PENALTIES**

The Clerk began the item by saying to the Board, “So, we met a couple of weeks ago, as far as the beginning of January, to talk about appointments and the issue came up as far as appointments for Board members to the Human Rights Commission. Supervisor Hidahl stated he would continue as a member of the Human Rights Commission. We did not have another Board member request to be appointed to that commission. The bylaws for the Human Rights Commission state that there will be two Board members, which prompted a discussion to come back to the Board as far as **what is the scope of the Human Rights Commission, do we need to change bylaws, how the meetings are held. It was initially stated it wouldn’t require any County staff to support the Human Rights Commission, and just getting some clarification as far as how we will proceed with administration with the Human Rights Commission.**”<sup>6</sup>

The Board chair thanked the Clerk of the Board without acknowledging her gross misstatements as to the nature of the returned item. In the preceding paragraph, the words in bold were *not* discussed by the Board or County staff on January 3, 2023. Those words were not voted upon by the Board, nor directed to the Staff for return action by the Board. (Cf. fn. 3, fn. 6.)

Under the EDC Code, “[i]t is **unlawful for any person to knowingly falsify or conceal any fact, or make any false or fraudulent statement or misrepresentation in any matter or proceeding within the jurisdiction of any department or agency of the County.**” (EDC Code, § 9.04.010.) (bold font added.)

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<sup>5</sup> See discussion during video time 1:41:30 to 2:40:07, at [https://eldorado.granicus.com/player/clip/1790?view\\_id=2&redirect=true&h=54504705a062213bfeb44c65069d4d73](https://eldorado.granicus.com/player/clip/1790?view_id=2&redirect=true&h=54504705a062213bfeb44c65069d4d73).

<sup>6</sup> *Id.*, video time 1:41:30 to 1:42:53.

**“Any person violating any of the provisions of [chapter 9.04, False Reports,] shall be deemed guilty of a misdemeanor and upon conviction shall be punishable according to the general penalties described in Chapter 1.24.” (Id., § 9.04.030.)<sup>7</sup>**

**“A violation of the ordinances of the County that is a misdemeanor shall be punishable by imprisonment in the County jail not exceeding six months or by a fine not exceeding \$1,000.00, or by both”, unless in the discretion of the prosecuting attorney or agency the matter is alleged or charged as an infraction, punishable by fines as prescribed in the EDC Code. (See EDC Code, §§ 1.24.010, 1.24.030.) (bold font added.)**

2.

**LACK OF EVIDENCE TO SUPPORT UNFOUNDED COMMISSION CLAIMS**

The Legistar record for item 23-0128 lacked any evidentiary documentation by either the Clerk of the Board, other County staff, or any member of the Board to support the Board’s subsequent decisions.

In short, no evidence was submitted to or considered by the Board for any personal statements or propositions put forth by individual Board members, whereas the Board’s “Governance Mindset” demands that Supervisors “are committed to **making decisions based on quality information, evidence and data.** (See fn. 4; Figure 6; Handbook, p. 4 [“Governance Mindset Preparation”]).

For example, Supervisor Parlin expressed her personal feelings that since the commission’s 2018 approval, it “had no clear Board direction on expectations” and she “felt like the wheel was constantly being reinvented as to what the commission was to do [or] how it was to do it.”

Presently, she expressed “I still think there’s this lack of clarity,” strongly suggesting Supervisor Parlin is unfamiliar with the statutes governing a California human resources commission. (See e.g., Govt. Code, §§ 50260-50265 at pp. 1-4.)

Supervisor Parlin also discussed the lack of resources allocated to the commission by the Board but offered no solution for addressing the matter. Instead, she believed that “I don’t see the Board at this time allocating as what I see are the enormous resources that are really needed to make this [commission] successful. ... We just aren’t doing it well.”

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<sup>7</sup> The term “shall” is mandatory. (See EDC Code, § 1.04.040.)



Supervisor Parlin did not explain what, if any, resources are authorized by statute or County policy, are needed for an undefined “successful” commission, or might have been requested by the existing commission.<sup>8</sup> Nor was any staff report on record regarding the issue(s) of commission resources.

Rather than seek collaborative solutions to make the commission successful, and without any evidence to support that the commission is *not* successful, Supervisor Parlin promoted a suggestion to have Supervisors be appointed as government liaisons to a non-government group called “Bridging El Dorado.” That view was based on her personal feelings that “I just feel like it’s a better model. I just don’t think we should continue not doing this well.”

### 3.

#### PROPOSAL TO SEEK COMMISSION RECOMMENDATIONS TO THE BOARD

Supervisor Hidahl summarized his view of the commission as “getting to the stage of “norming” ”, referencing a 1965 team development model known as “Tuckman’s stages of group development”; i.e., “forming, storming, norming, performing.”<sup>9</sup>

He added, “The thing I think has been lacking ... is clear recommendations to the Board as to what the Board could possibly do to effect additional change within the community. ... I don’t know that there’s a general benefit to the community if the Board can’t really exercise their ability to move something in a favorable direction.” Supervisor Hidahl did not explain what a “favorable direction” meant, or why the Board needed to “move something” in that way.

Supervisor Hidahl concluded with an emphasis on what the commission should do and how the Board should act. “We should end up at the end of this year, 2023, with a set of recommendations that could come back to the Board saying, “These are the

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<sup>8</sup> Government Code, section 50263 authorizes the Board to “...assign personnel to the commission or permit the commission to employ an executive director, a secretary, and such attorneys, experts and other employees as may be necessary, within the amount made available by the local governing body **and to accept and expend funds from private, as well as public, sources.** Each city and county is hereby authorized and empowered to make such appropriation for such expenses and for the compensation, if any, to be paid to the members of the commission.” (bold font added.)

<sup>9</sup> See e.g., [https://en.wikipedia.org/wiki/Tuckman%27s\\_stages\\_of\\_group\\_development](https://en.wikipedia.org/wiki/Tuckman%27s_stages_of_group_development); <https://www.sixsigmadaily.com/what-is-forming-storming-norming-performing/#:~:text=The%20concept%20of%20Forming%2C%20Storming,on%20accomplishing%20a%20shared%20goal.>

things we would like help with.” And it’s within the jurisdiction of the Board to implement those things.”

As to the “Bridging El Dorado” organization, Supervisor Hidahl expressed his view that the group was formed more to bring people back together after the separations of COVID, and was meant to bridge “political” divides, rather than to be an organization formed on the basis of supporting “basic human rights.”

4.

**SUPERVISOR LAINE SUPPORT FOR THE COMMISSION**

Supervisor Laine noted public comments “in favor of desperately continuing this good work. It’s definitely something that’s important to the community. This [commission] is that important, that if we do decide to continue this commission, then I would consider being the second member [Supervisor] in order to keep it going.”

5.

**LACK OF EVIDENCE TO SUPPORT UNFOUNDED SUPPORT CLAIMS**

Following Supervisor Laine’s commitment to be appointed to the commission, as is required by County Ordinance, Supervisor Parlin objected to staffing support for the commission, also without any evidence to support her allegations.

Her comments included, “I can say that in the past the commission has struggled and that our administration staff that has been supporting it all along has really had to intervene sometimes, and redirect, and I would not ever want to put that burden on our Clerk’s staff. So to me it’s not an option to go there”, to which Supervisor Thomas interjected, “I agree.”

Supervisor Parlin continued, “I can say that the admins that have worked on it that I know of so far do get frustrated with the fact that there’s not clarity on what this commission should and shouldn’t do and so their agenda sometimes has to be reworked before it’s ready for publishing.

Supervisor Parlin did not submit any evidence to support her staffing claims, nor offer any other staffing proposal. Neither she nor any other Supervisor explained how or why the commission needs *any* staffing support, nor did they offer to pose that question to the commission itself or the CAO, in accordance with its Board

responsibility to “provide support to the CAO and department heads as they carry out the direction of the Board.” (See Handbook, pp. 9-10 [“Board Responsibilities].)

## 6.

### LACK OF EVIDENCE TO SUPPORT UNFOUNDED JURISDICTIONAL CLAIMS

Supervisor Parlin went on to describe her “very serious concerns” about the contents of a commission “Work Plan” that had reportedly been “submitted” in “November”, presumably November, 2022. However, the “Work Plan” was not in evidence for item 23-0128, nor did Supervisor Parlin share it with all Supervisors or describe its contents in specific detail.<sup>10</sup>

Supervisor Parlin used the “Work Plan” to segue to unfounded claims of the commission’s jurisdiction. “I would say that, based on this Work Plan, if we’re going to continue with this [commission], we need to put a halt on all of their work until we give them very clear direction as to what’s in their jurisdiction. ... It doesn’t seem to understand what it should and shouldn’t be doing. ... I honestly think this Work Plan is not viable and we should stop it, but I don’t think the [commission] bylaws or the resolution that created it give us that.”<sup>11</sup> (bold font added.)

Supervisor Thomas added, “You bring up a very important point. ... By having the committee under our purview, they are not free to perhaps explore some of the topics they want to explore because some of those items are not our lane, and not our jurisdiction, so it involves an inherent conflict of interest.”

Supervisor Thomas then used those unfounded claims to add her support for a “non-profit” who could explore those topics without “restriction.” ... It’s just the thought that we are tasked with understanding where is the best place for those kinds of activities? By having it in a county committee, really those efforts are in silo. ... By bringing it out into a community based organization that is already establishing and having those relationships and those conversations that’s not encumbered by government restrictions, I see that as perhaps expanding and moving those efforts forward, not stifling them.” ... I like [Supervisor Parlin’s] suggestion for moving it under the purview of a non-profit, not government.” (bold font added.)

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<sup>10</sup> Supervisor Parlin later clarified the “Work Plan” was not submitted, but was “presented.” She also acknowledged that the commission’s bylaws or enacting resolution did not give the Board any power to approve the “Work Plan.”

<sup>11</sup> A California human relations commission’s “jurisdiction” exists in Government Code, sections 50260-50265, including mandatory “responsibilities” and “obligations.”

Supervisors Parlin and Thomas then both agreed to the “excellent suggestion” of “appointing” Supervisors to a “non-profit” as “liaisons” so that they could then “report” out to the Board.

Neither Supervisors Thomas or Parlin evinced any knowledge of Government Code, sections 50260-50265, or its applications under state law, nor did they submit any evidence to document what the Board’s “lane” or “jurisdiction” is with respect to the commission. Neither of them, nor any other Supervisor, asked the County Counsel to advise or comment on the subject of the applicable law.

Neither Supervisors Thomas or Parlin offered to submit their concerns to the commission or to the commission’s appointed Supervisor(s).

## 7.

### UNFOUNDED CLAIMS OF “ACTIVIST” COMMISSIONERS

Following public comment, Supervisor Parlin chose to criticize my public comments by speaking to me directly while I sat in the audience. “I just want to counter what you said ... I found it very insulting that you indicated that all I was trying to do was take down that commission. Exact opposite.” She then pointed at me and said with some emphasis, “Do not try to broach us. Do not.”

The Board’s Governance Manual includes four pages of “Governance Self-Evaluation.” (Handbook, pp. 25-28.) Those criteria included that “[t]he Board governs in a dignified and professional manner, treating everyone with civility and respect”, that “Supervisors avoid voting cliques and do not allow personal conflict or personal matters to affect their actions, but reach decisions based solely on the merits of the issue”, and that “Board members do not engage in dialogue or debate with community speakers.” (*Id.*, pp. 25-27.)

Supervisor Parlin then responded to other public comment, stating “I think that some of our callers hit it on the head. That group [commission] generally wants to be activists, and that is not something that is in the County’s purview. We should not. And that commission has been very divisive and it does pick and choose.”

## V.

### MOTION TO DISBAND THE COMMISSION

Supervisor Parlin immediately followed her criticisms with “So, I’m going to make a motion that we disband the Human Rights Commission and instead, appoint

two Supervisors to participate on the Bridging Divides El Dorado group.” Supervisor Turnboo immediately seconded the motion.

Supervisor Thomas asked the County Counsel for clarification if the motion was allowable under item 23-0128. The Counsel suggested bringing back a separate item due to the phrase “provide direction to staff on how to proceed” in item 23-0128.

Further discussion resulted in an “amended motion” to separate the appointment of two Supervisors to the “Bridging Divides” group as yet another future item.

Supervisor Parlin acknowledged that she had not contacted the leadership of the Bridging Divides group “to determine if they are willing to take this on, and that two members of the Board would be acceptable from their perspective?”

In response, Supervisor Parlin repeated her claim of an “activist” commission. “I thought their [Bridging Divides El Dorado] was to bring people together and bridge those differences that we have, and I feel our Human Rights Commission has failed to do that. ... **This group wants to be activists, and that is not what County government should be doing. My only avenue for potentially bridging these divides that we have ... is that non-profit group. ... I’m asking that we participate with them formally.**”

#### A.

#### BOARD REFUSAL TO ALLOW THE COMMISSION TO RESPOND

Supervisor Laine added, “The reason why I’m uncomfortable with just disbanding is I do think that we as the Board of Supervisors who created this commission have a responsibility if we believe that it’s going in a direction that we don’t want it to go, to articulate that and give the commission an opportunity to respond.”

Supervisor Laine continued, “At the very least, give the current commission an opportunity to - they will have heard this meeting - to provide input before we just go to disband. ... I just think we’re moving too fast with something that’s very important. So I would like to have input from the commissioners with regard to their thoughts on how to proceed. ... So I think there needs to be a conversation at this point and I would not be in favor of disbanding without that communication, without that conversation.”

Supervisor Parlin disagreed, concluding with, “I just don’t see that as a reasonable thing to do at this time.”

Supervisor Thomas also disagreed, saying “I agree with Supervisor Parlin. This commission was formed in a clunky fashion with a Supervisor’s assistant taking it on. ... but it’s not sustainable and I think the work of this group is better served without being subjugated to the whims of an ever changing political Board. ... We don’t have the staff support for this and I am also not willing to allocate our staff to this. There’s no real County department where this fits.”

At the conclusion of Board discussion, when clarifying the motion before the Board, Supervisor Parlin asked the County Counsel, “Will we have any further meetings then, or should we put them [the commission] on hiatus?”

The County Counsel’s view was that since a second Supervisor had not been appointed to the Board, “which I think was done intentionally to allow time for this particular discussion to take place, ... it doesn’t seem like there’s much of a need for the committee to continue to meet while their dissolution is pending.”

The Counsel did not point out, nor did any Supervisor ask, that the absence of an appointed Supervisor would not invalidate the commission or affect its ability to meet, which is subject only to a quorum of the commission’s overall membership.<sup>12</sup> (See e.g., EDC Code, §§ 2.20.1102(B) [Membership], 2.20.1105 [Officers and Duties], 2.20.1107 [Quorum].)

Nor did the Counsel or any Supervisor point out that directing the commission to stop meeting was **not within a motion before the Board**, which was for staff to return an item within 60 days to disband the commission. That is, the commission remained valid on January 24, 2023, despite an apparent motion to move for its disbanding that would not take effect for up to 60 days, and only upon a future majority vote of the Board to approve the item.

The Board Clerk interjected to clarify that “since the commission had an upcoming meeting at the end of the month, did you want my office to communicate

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<sup>12</sup> EDC Code, section 1107 reads: “For a regular or special meeting of the Commission, a **quorum consists of no less than four members**. No action taken at a regular or special meeting of the Commission shall be valid unless approved by a **majority of the members of the Commission present and voting, and unless a quorum of the Commission members are present**. If a quorum cannot be reached for a given meeting, no actions may be taken and the meeting may be cancelled at the discretion of the Chair, or Vice-Chair in the absence of the Chair.” (bold font added.)

facilitating with them as far as not having any additional meetings until further action from the Board?”

Supervisor Thomas replied, “I’d be happy to draft a response with you, in concert with you.” To do so, however, would be an apparent violation of the Board’s protocols that no Board member or County staff objected to.<sup>13</sup>

Supervisor Laine asked, “What’s wrong with having them meet at the end of this month to provide a response to this body, as to having heard this conversation, what their thoughts are? What’s wrong with hearing from them?”

Supervisor Parlin responded, “With all due respect Supervisor Laine, but we’ve been doing this since its inception, quite honestly, and I think it’s time. We’ve had these same conversations, these same notes, these same words are in my notes from every time we talk about the commission. We’ve rehashed this over and over and over, and I think it’s just time.”

Without any evidence whatsoever to support her claims, including speaking for the remainder of the Board without their objection, Supervisor Parlin continued, “This Board ... This particular Board did not create this commission. ... I don’t know if this Board would have created it in such a way that it became. But I just don’t see where we’re at, how we can fix it. **It needs a complete overhaul and I don’t see where any of us have the wherewithal to do it right now.**” (bold font added.)

Supervisor Thomas immediately added, also without any evidence to support her claim, “And we don’t have the resources to support it.”

Supervisor Parlin continued, “...at this time, we just need to stop. I’m very sincere. ... **We need to look at something more productive and positive.**” (bold font added.)

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<sup>13</sup> The Governance Handbook states, “**Under no circumstances is the Board Chair, or any Board member, authorized to act or provide direction to staff that is inconsistent with or contrary to prior decisions or prior directions provided by the Board.**” (Handbook, pp. 13-14 [“Role of the Board Chair”]); “**Supervisors are observers and should not attempt to influence the committees. One Board member does not speak for the Board unless authorized to do so.**” (*Id.*, p. 15 [“Role with Advisory Board/Committees/Commissions”]).

**B.**

**STAFF DIRECTED TO RETURN WITH A DISBANDING ITEM WITHIN 60 DAYS**

Supervisor Thomas called for the motion, read by the clerk as “A motion by Supervisor Parlin, second by Supervisor Turnboo to direct staff to return to the Board within 60 days with an item to disband the Human Rights Commission.”

The motion was passed on a vote of 3-2, with Supervisors Laine and Hidahl dissenting. (See Figure 7.)

<b>37. <u>23-0128</u></b>	<p>Clerk of the Board recommending the Board discuss the purpose, mission and membership of the El Dorado County Human Rights Commission and provide direction to staff on how to proceed.</p> <p><b>FUNDING:</b> N/A</p> <p><i>Public Comment: J. Connolly, K. Payne, A. Nevis, D. Wolfson, K. Nalewaja, M. Rodriguez, L. Cauchon, C. Hearn, K. Lishman</i></p> <p><b>A motion was made by Supervisor Parlin, seconded by Supervisor Turnboo to direct staff to return to the Board within 60 days with an item to disband the Human Rights Commission.</b></p> <p><b>Yes:</b> 3 - Thomas, Turnboo and Parlin</p> <p><b>Noes:</b> 2 - Hidahl and Laine</p>
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Figure 7

Board Minutes - Item 23-0128

**VI.**

**CONCLUSION**

The following conclusions and recommendations are my own, based upon the record of items 22-2067 and 23-0128; Government Code, sections 50260-50265; the El Dorado County Ordinance Code; and the Board’s Governance Handbook.

**A.**

**THE BOARD DOES NOT APPEAR TO KNOW THE LAW  
REGARDING CALIFORNIA HUMAN RELATIONS COMMISSIONS**

Not long after his election to the Board, Supervisor Turnboo proclaimed the commission was becoming “too political” and attempted to appoint commissioners who called for its abolishment or contested its actions. In the present case, Supervisor



Turnboo immediately seconded Supervisor Parlin's motion to disband the commission, despite his complete lack of comment on the matter during Board discussion.

Since 1961, it has been California state law that "that the promotion of positive human relations for the purpose of insuring public peace, health, safety, and general welfare of all the people of this State is a **principal governmental concern and responsibility.**" (Gov't Code, section 50261.) (bold font added.) (See Figure 1 at p. 1.)

It has also been state law since 1961 that California counties and cities are "**authorized to expend public funds to attain these objectives.**" (*Ibid.*) Moreover, the County may also "...assign personnel to the commission or permit the commission to employ an executive director, a secretary, and such attorneys, experts and other employees as may be necessary, within the amount made available by the local governing body **and to accept and expend funds from private, as well as public, sources.** Each city and county is hereby authorized and empowered to make such appropriation for such expenses and for the compensation, if any, to be paid to the members of the commission." (*Id.*, § 50263.) (bold font added.)

Nevertheless, the Board chair and Supervisor Parlin insist the commission must be abolished so the Board can appoint two Supervisors as undefined "liaisons" to an undefined group who they allege can achieve County harmony outside of a "principal government concern and responsibility."

Their baseless comments reflect a lack of awareness of the state's clear mandate for effective human relations commissions to benefit "all the people of this State." So do their baseless criticisms of the commission's purpose and how the commission operates, made without any evidentiary support to document very pointed allegations.

A California human relations commission's **mandatory** responsibilities and obligations are specifically described in Government Code, sections 50264-50265. But none of the Board members, or their supporting County staff, ever referred to those legal requirements when the commission was described, for example, as "divisive", "stifling", "activists", or "out of its lane."

"One of the most effective characteristics of an effective Board is their understanding and agreement on their roles and responsibilities. Generally, governance is about setting policy by defining the "what" of the organization, and administration is focused on the "how" policy gets implemented." (Handbook, p. 8 ["Roles and Responsibilities"].)

The majority vote by this Board reflects the antithesis of an effective Board. It does not recognize that the “policy” and definition of “what” its previously approved Human Rights Commission should “do or not do” is mandatorily established in state law, through the provisions of Government Code, section 50260–50265.

Instead, the majority vote of this Board demonstrated an “administrative” focus, arguing about the alleged details of “how” the commission operates, and “how” it is supported. Those “how” arguments were not based in fact, because the Supervisors making them relied upon unfounded allegations they refused to submit to the commission or the public.

My personal feeling is that the commission itself may not be the “problem.” Rather, the majority of the Board in this instance may be, because they don’t appear to understand the law and its application to the commission they are trying to abolish. The majority appear to take unsubstantiated claims about the commission as fact, and then act upon them without reference to, or regard for the applicable state law.

A responsible and effective Board would conceivably respond to criticism of the commission by stating words to the effect of:

“Since 1961, the promotion of positive human relations for the purpose of insuring public peace, health, safety, and general welfare of all the people of this State has been a principal governmental concern and responsibility, and remains so today.

A commission’s mandatory responsibilities and obligations are specified in state law and we must follow those mandates. Accordingly, the El Dorado County Board of Supervisors has no authority to dictate different responsibilities or obligations for our local Human Rights Commission.

The El Dorado County Board of Supervisors exercised its authority to create and support a human relations commission in 2018. The current Board does not have authority to reconsider those decisions without complying with an applicable County Code.

Two Supervisors are appointed as members of the Human Rights Commission and may attend meetings as observers. They should not attempt to influence the commission and may not speak for the Board of Supervisors unless they are authorized to do so.

For further information, please see Government Code, sections 50260-50265, El Dorado County Ordinance Code, sections 2.20.1100-1111, and <https://www.edcgov.us/Government/BOS/Human-rights-commission>.”

**B.**

**THE BOARD SHOULD FOLLOW THE LAW AND ITS GOVERNING PRINCIPLES**

The preceding example public statement is generally a restatement of the law the Board is bound to follow. To support the commission, Board members should adhere to the applicable law and the majority in this case should stop trying to subjectively decide what the commission should be otherwise.

As another relevant example, the Board is *authorized to* “determine the number of members of the commission, the terms of the members, the manner of appointment of the members, the selection of a chairperson and the compensation, if any, to be paid to them.” (Gov’t Code, § 50262.) The Board is *not authorized to* independently determine “how” the commission carries out its mandatory responsibilities and obligations.

Furthermore, Board protocol mandates that the Board “shall periodically review [] the advisory committee's purpose and effectiveness.” (Handbook, p. 15.) However, the same protocol **does not authorize** the Board to disband any advisory committee. The only apparent authority to do so would be to reconsider the decision of a prior Board to establish the commission in 2018. Reconsideration is governed by section 2.03.140 of the EDC Code, which the majority did not comply with.

“Effective Board members ... understand that they are not on the Board of Supervisors to administer the County, but rather to govern it. ... They understand that effective governance requires the Board approach all their responsibilities with a clear focus on achieving the strategic outcomes they have set.” (Handbook, p. 4 [“Strategic Focus”].)

“Effective Board members are always prepared. ... They are committed to making decisions based on quality information, evidence and data.” (*Ibid.*, [“Preparation”].)

“Effective Board members understand that how they govern is often more important than what they say or do. Working toward a common goal ... in a collaborative setting requires patience, understanding, respect, and most

importantly, common courtesy. They are always respectful of other members' opinions." (*Id.*, ["Manner"].)

1.

**COMPLY WITH GOVERNMENT CODE SECTIONS 50260-50265**

The governance of the commission is a matter of state law, with mandatory responsibilities and obligations. To ensure adherence to that law the Board should carry it out responsibly, starting with aligning EDC Code, section 2.20.1108 to Government Code, section 50264. (See pp. 4-5, "UNEXPLAINED DIFFERENCES BETWEEN STATE LAW AND COUNTY ORDINANCE".)

Second, the EDC Code should be amended to insert a new section to the Human Rights Commission, specifying its mandatory obligations under Government Code 50265.

Third, the Board and commission should jointly consider amending EDC Code section 2.20.1101 - it's stated "Purpose" - to align with Government Code, sections 50260-50261.

The commission's published purpose is unintentionally confusing because the enacting Board jumbled elements of the statute's sections with words that don't appear in the statute, such as "tolerance." Without reference to the governing statutes, the commission's "purpose" statement may cause readers to believe the Board created the statement out of thin air.

For consideration, I recommend the following change, based upon sections 50260-50261 of the Government Code. (The text within brackets was not quoted within the statute.)

"Sec. 2.20.1101. - Design

The promotion of positive human relations for the purpose of insuring public peace, health, safety, and general welfare of all the people of this State is a principal governmental concern and responsibility. [The Human Rights Commission] is designed to foster peaceful relations in the interest of preserving the public peace among residents of different races, religions, national origins, and the other characteristics listed or defined in [Government Code] Section 11135."

2.

**APPOINT A SECOND SUPERVISOR TO THE COMMISSION**

The Board is required to govern collaboratively and to follow the law.

Because section 2.20.1102(B)(1) of the EDC Code requires that two members of the commission “be from the current members of the Board, appointed by majority vote of the Board at a regular meeting”, the Board should respect Supervisor Laine’s desire to be an appointed Supervisor as an example of upholding its legal obligation under the EDC Code, *and* its commitment to “Governing with a Unity of Purpose.”

“A unity of purpose helps members transcend their differences to **fulfill a greater purpose. A unified Board is collaborative, cohesive, committed, and consistent.**” (Handbook, p. 6.) (bold font added.)

“Having a unity of purpose demonstrates that governance team members care most of all about what is best for **all residents** and understand that they **must identify common ground** in order to provide focused leadership and direction for the County.” (Ibid.) (bold font added.)

Ironically, the majority who voted to abolish the commission could not bridge the Board’s own divide on the subject, in part because they insisted on moving forward without paying attention to their own governance principles such as finding common ground.

Rather than insisting the commission must be abolished the majority could acknowledge it did not uphold its own governing principles or the applicable law. It could then rebuild public trust in the Board by shelving its proposal to disband the commission and starting anew, beginning with the appointment of Supervisor Laine to the commission.

3.

**DOCUMENT THE MAJORITY’S CONCERNS**

The majority alleges multiple issues with the commission’s operation and support, but did not have the integrity to put those matters on the record in accordance with the Board’s core values.

The “Unity of Purpose for El Dorado County” includes five core values and five governance principles. (Handbook, pp. 6-8.) The majority should demonstrate it is

bound to those “practices that build and sustain positive Board relationships and define a culture of quality, equity and respect.” (*Id.*, p. 1.) (bold font added.)

The majority’s decision to abolish the commission, over the questions and objections of its fellow commissioners, is far removed from the obligatory core value of “accountability,” defined as “Responsible for our decisions and behavior. Creating a safe environment where we are answerable to our citizens, co-workers, superiors, direct reports, and other stakeholders.” (bold font added.)

The majority decision is also far removed from the principles to “govern as a team,” making “well informed and transparent decisions,” and being “accountable to each other for the highest standards of Board performance and effectiveness.” (*Id.*, pp. 6, 7.) (bold font added.)

Examples of these principles are already well documented in the Board’s Handbook, through specific details and examples of benchmark characteristics. The majority should refamiliarize themselves with those principles and then commit to follow them as listed.

Personally, I suspect the majority’s “very serious concerns” and allegations of commission operations would largely dissipate when properly documented and then compared against the commission’s mandatory responsibilities and obligations.

Nevertheless, to properly address any concerns, they have to be translated into documented facts, supported by evidence, and then viewed against the legal conditions which the commission must follow, not the subjective whims of individual Board members.

#### 4.

#### ADDRESS THIS COMPLAINT FOLLOWING BOARD PROTOCOL

The Board’s protocol for handling complaints from the community is to “value[] open communication and timely resolution of issues.” (Handbook, p. 23.)

This complaint is addressed to the Board because a majority of the Board was the source of the decision to abolish the commission. The majority violated the County Code for reconsideration and its own governance principles to make that unfounded decision, and then refused to allow the commission to respond to its allegations before making a divided decision at odds with its “unity of purpose.”

The Board's protocol states that Board members "**will [a]lways be mindful that the authority to take action rests solely with the majority of the Board**" and "**will [b]e mindful of their role in quasi-judicial review.**" (*Id.*, p. 23.) (bold font added.)

While this complaint may not constitute "quasi-judicial review" itself, the Board's ultimate decision is subject to an appeal filed with the El Dorado County Superior Court.

Therefore, for the reasons documented herein, I request the Board address this complaint in a timely manner, prior to hearing any further agenda item regarding disbanding the El Dorado County Human Rights Commission.

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**From:** Sandra Gonzalez <slgon146@gmail.com>  
**Sent:** Friday, March 10, 2023 3:41 PM  
**To:** BOS-Clerk of the Board  
**Subject:** Letter to Board of Supervisors RE: Human Rights Commisdion  
**Attachments:** Document.docx

Please distribute the attached letter to each Board member prior to the March 14th meeting.

Let me know if you have difficulty opening the attachment.

Thank you very much.

Sandra Gonzalez



March 10, 2023

El Dorado County  
Board of Supervisors

RE: March 14, 2023, Agenda Item 17, 23-0283  
Dissolving El Dorado County Human Rights Commission

**Please fulfill your commitment to the purpose and good governance of this Board by reading this entire letter.**

Dear El Dorado County Board Members (Thomas, Hidahl, Turnboo, Laine, Parlin):

I plead with you DO NOT DISSOLVE the El Dorado County Human Rights Commission!

I have thoroughly researched the history of the HRC (2018 – 2023)

1. Establishing ordinance and subsequent amendments and extensions.
2. HRC monthly meeting agendas and minutes,
3. HRC recommendations for clarification of the Commissions role and authority.
4. HRC requests for support from County staff and outside experts.
5. HRC proposals for future public education, events and goals.
6. Board of Supervisors agendas, actions, minutes, and videos RE: HRC.
7. Public comments enumerating the reasons and the importance to the community to maintain the HRC.

Having read all this documentation, I have come to the conclusion that the Human Rights Commission has not failed it's purpose. The County, specifically you, the Board of Supervisors, have failed the Human Rights Commission and the entire community. Your lack of support to the important issues to be addressed by this commission is appalling.

Lack of adequate funding is not a valid excuse to dissolve this commission's vital importance to promoting equality, acceptance, and justice in our community. Protecting our community's human rights must be seen as priceless. Surely, some funds, County staff, and volunteers can be resources,

The Board's finding "that the purposes of the Human Rights Commission would be better served through a different organization structure..." is, to me and many others, a blatant disregard of your role as a governing body of this county.

What happened to your obligation as a County Board of Supervisors to do all within your legislative power "for the safety, protection, and well-being of our residents, businesses and visitors"?

Where is your guidance for the future needs you are dismissing by shifting your obligation to "a different organization structure"? What structure? What structure will better serve YOUR constituents?

As our society faces a potential future of a massive culture war, our community must prepare for extremists who aim to undermine positive anti-discrimination policies, procedures, and all our constitutional human rights.

Now is not the time to back away from human rights issues in our community.

Now is not the time to say "It's not our problem."

Now is not the time to "pass the buck."

Now IS the time to stand up for all human rights.

Now IS the time to support and promote the continued work of the Human Rights Commission.

Keep the Human Rights Commission!

The people of El Dorado County are counting on you to do the right thing.

Respectfully,

Sandra Gonzalez, resident of El Dorado Hills  
Retired, bi-racial 77 year old woman, with three adult children, six grandchildren  
(2 who identify as "They"), and two great-grandchildren