



Archon Farms Inc.
701 12th St, Ste 202
Sacramento, CA 95814

October 16, 2024

David Livingston
El Dorado County Counsel
330 Fair Lane
Placerville, CA 95667

Dear Mr. Livingston,

**Re: Request for Recusal of District 2 Supervisor George Turnboo from October 22, 2024,
Hearing Regarding Archon Farms Commercial Cannabis Appeal**

I am writing to formally request that District 2 Supervisor George Turnboo recuse himself from participating in the El Dorado County Board of Supervisors appeal hearing (CCUP-A24-0004, CCUP-A24-0003) for the Archon Farms Commercial Cannabis Use Permit (CCUP21-0008) set for 1:15pm on October 22, 2024. This hearing will address the two appeals of the small commercial cannabis farm application submitted by Archon Farms on November 21, 2021, which was approved by the El Dorado County Planning Commission on September 12, 2024. Given the circumstances surrounding Supervisor Turnboo's actions and statements, we believe that his participation in this matter could be influenced by bias, thereby compromising the impartiality of the Board's decision.

I. Evidence of Bias Against Mr. Kevin McCarty

I, as a resident of Somerset in El Dorado County District 2, am represented by Supervisor Turnboo and wish nothing but the best for him as an individual and public servant, as well as our county leadership in general. As a concerned citizen who believes our county can do better in addressing the housing crisis and other critical issues, I filed a Declaration of Candidacy with the El Dorado County Elections Department on December 7, 2023, to run for County Supervisor, District 2 in the 2024 primary election. As Supervisor Turnboo's main opponent, having earned 26.81% of the vote on March 5, 2024, he as the incumbent ran a campaign which included denigrating my background and me personally. I believe that this experience biased Mr. Turnboo against me, and consequently makes it impossible for him to render an impartial judgment on the two appeals of our CCUP.

An individual named Todd White previously served as Supervisor Turnboo's assistant, having been removed by decision of the Board of Supervisors on January 17, 2023, due to substantial allegations

of engaging in partisan political conduct while acting in an official capacity as a county employee. Mr. White is also the Chairman of the El Dorado County Republican Party and operated as *de facto* campaign manager for Supervisor Turnboo during the 2024 primary election. During the campaign Mr. White engaged in personal attacks against me and my family on numerous occasions. On January 19, 2024, Mr. White posted the address of my personal residence and that of my wife's family to the Facebook group "Debating Local El Dorado County Politics", potentially jeopardizing the safety of uninvolved persons for the sake of an unnecessary partisan grudge. Throughout the campaign Mr. White targeted me with ad hominem attacks and unfounded accusations. See Exhibit A attached for reference.

Curiously, even after the primary election concluded on March 5, 2024, Mr. White has continued to attack my character and threaten me, my family, and our livelihood, indicating that the animus goes beyond mere political circumstance and transgresses into the domain of a personal vendetta. While Mr. White is not the same person as Supervisor Turnboo, it can and should be reasonably inferred that Mr. Turnboo knew of Mr. White's personal attacks, if not implicitly or explicitly sanctioning them. For evidence of direct bias on the part of Supervisor Turnboo, we provide the following item for consideration by your office:

A. Phone Call to Campaign Advisor – February 25, 2024

- a. During the primary election campaign, on February 25, 2024, at approximately 10:30am Mr. Turnboo made a phone call to Lee Tannenbaum, an El Dorado County resident who at the time was serving as an advisor to the McCarty for Supervisor campaign. In the call, Supervisor Turnboo engaged in a passionate tirade, using extensive profanity and explicit name-calling, wherein he stated he "hates cannabis", attacked Mr. Tannenbaum for supporting my campaign, and made threats against me specifically because I decided to run against him.
- b. Mr. Tannenbaum was shocked by the profanity, viciousness, and overall lack of decorum exhibited by Supervisor Turnboo on the 2/25 phone call. He shortly thereafter shared the experience with me due to the nature of the threats made.

II. Shift in Position on Small Cannabis Farms

In his 2020 election campaign, Supervisor Turnboo accepted substantial donations from the cannabis industry. Lee Tannenbaum, owner of Cybele Holdings (CCUP20-0001) and President of the El Dorado County Grower's Alliance (EDCGA), has provided an affidavit substantiating the claim that Mr. Turnboo received donations totaling \$700 from cannabis industry participants and advocates at his campaign fundraiser which took place on September 19, 2020. According to Mr. Tannenbaum, "Supervisor Turnboo engaged in discussions with attendees, including myself, regarding cannabis policy and expressed his willingness to support the industry if elected." Mr. Tannenbaum further stated that Supervisor Turnboo met with him on several occasions to discuss the County's cannabis ordinance and explore ways to help the industry. See Exhibit B attached.

As recently as September of last year, Supervisor Turnboo was vocal in his support of commercial cannabis farming in El Dorado County. The following is a quote from September 12, 2023, wherein the Board discussed potential revisions to the County's cannabis ordinance (agenda item 23-1501):

"The legalization of cannabis will eliminate the black market which still accounts for the majority of marijuana sales in California. The immediate benefit will come from the pushing out of illegal grows. These grows are devastating to the environment because they strip the land, they use pesticides and herbicides without any regard to consumers' health or environmental impacts. Under legalization this would move from a black market to a green market. This will produce lab tested products and use environmentally sound practices. What's more, this will bring in tax dollars, create local jobs and would benefit the community." – Supervisor Turnboo, 9/12/2023

Reference link: <https://eldorado.granicus.com/player/clip/1925>

Not long thereafter, Supervisor Turnboo appears to have shifted his views 180 degrees on legal cannabis farming in El Dorado County, moving from an ardent supporter to a vehement opponent. Two events happened in early November which predicated this shift in support: 1) the Green Gables CCUP appeal hearing on November 7, 2023, and 2) my declaration of candidacy to run against Supervisor Turnboo in the primary election, announced via public comment during a joint informational workshop (agenda item 23-1962) on updates to the Safety Element of the El Dorado County General Plan, which took place on November 14, 2023.

During the 11/7 Green Gables appeal hearing (agenda item 23-1823), I submitted a public comment supporting recommendations by Planning staff to deny the appeal and approve the project, citing the fact that the cultivation premises was thousands of feet away from the nearest bus stop, and rebutting appellants' claims that the project would jeopardize children's safety, lead to an increase in criminal activity, and disrupt the groundwater supply of neighboring properties. I reminded the Board that decisions related to land use entitlements must be made irrespective of the applicant's identity, and that attacks on the applicant's character ought not be a basis for denial of the project.

By all accounts, the Green Gables incident and my subsequent declaration of candidacy – announced to the Board on 11/14/23 and consummated with election filings on 12/7/23 – appear to have fundamentally affected Supervisor Turnboo's outlook on commercial cannabis in El Dorado County, as from that point forward he has taken a hardline stance against any and all such projects regardless of the individual merits as presented by scientific experts, Planning staff, and Helix EPI as the County's selected consultant for professional CCUP CEQA analysis. It is clear from this abrupt shift that political rivalry and personal animus have influenced and continues to influence Supervisor Turnboo's thought process regarding cannabis projects, indicating presence of bias.

In the following section, we will outline the instances where the topic of commercial cannabis projects was either brought before the Board of Supervisors or discussed publicly by Mr. Turnboo.

III. Prejudice Against the Commercial Cannabis Industry

A. Green Gables (CCUP20-0004) Appeal Vote – November 7, 2023

- a. The El Dorado County Planning Commission (PC) on August 24, 2023, approved by 3-2 vote the Green Gables CCUP application submitted by Robert Sandie, which was then appealed to the Board of Supervisors (BOS). The appellants' argument centered on a request for a variance from setback requirements, proximity to a bus

stop, and alleged inadequacy of the Mitigated Negative Declaration. The Board voted 3-2 to sustain the appeal and deny the Green Gables CCUP.

- b. Where Supervisors Thomas and Parlin cited opposition to granting routine variances and other reasons supported by evidence on record, Supervisor Turnboo justified his “yes” vote by accusing the applicant of criminal marijuana activity solely because Mr. Sandie constructed a small prototype greenhouse on his property.
- c. Despite multiple visits by El Dorado County Sheriff's Office (EDSO) to the project site, and no evidence of criminal activity whatsoever, Supervisor Turnboo slandered his own District 2 constituent and voted to deny Mr. Sandie's permit. This therefore supports the notion Supervisor Turnboo will allow unfounded rumors and hearsay to fuel personal animus and override qualified assessments by County staff.
- d. See Exhibit C for Mr. Sandie's correspondence following the appeal hearing.

B. League of Women Voters Candidate Forum Statements – February 9, 2024

- a. As a venue to ensure voters are properly informed of their choices in the primary election, the League of Women Voters (LWV) hosted a Candidate Forum for EDC District 2 on February 9, 2024. During this event, a question was asked about restrictions on cannabis permits, to which Supervisor Turnboo expressed a general opposition to cannabis even though voters approved ballot measures legalizing commercial cannabis operations in the 2018 election.
- b. Supervisor Turnboo acknowledged in his response that “the people voted for it” but stated “there's a problem I have with it” and declared “I am not going to be supportive of it”, citing a belief that such projects will induce criminal activity. See attached Exhibit D for reference, including a link to the LWV video recording.
- c. Evidence has been provided at multiple PC and BOS hearings that licensed commercial cannabis operations in fact are not associated with any uptick in crime, but the documentation substantiating this fact with expert analysis has apparently been ignored by Supervisor Turnboo, who appears to maintain that his belief supersedes this evidence and even the assessment of EDSO deputies, as evinced by his cited rationale in the case of the 11/7/23 Green Gables appeal.

C. David Harde (CCUP21-0002) Appeal Vote – March 5, 2024

- a. As with the hearing for Green Gables, the Planning Commission voted 3-2 on January 25, 2024, to approve the CCUP submitted by David Harde, which was then appealed to the Board and considered on March 5, 2024. The Board voted 3-2 to deny the appeal and uphold the PC approval. Supervisor Parlin moved to sustain the appeal and deny the CCUP, with Supervisor Turnboo as second to this motion.
- b. During the appeal hearing, Supervisor Turnboo offered no explanation of his vote to deny the project, nor any rationale for his opposition. Planning staff introduced testimony from Leslie Owing of Helix EPI, the County's professional CEQA consultant, substantiating the expert scientific reports included in the CCUP application. Ms. Owing as well as the CCUP environmental reports comprehensively rebutted appellants' claims of nuisance due to odor, noise, and

crime. She confirmed the accuracy of MND assumptions including adequacy of water supply to satisfy the demand estimates referenced in the CCUP application.

- c. Whereas Supervisor Parlin offered her interpretation of County ordinance and explained her opposition to the Harde CCUP project, Supervisor Turnboo appears to have simply opposed the project because it involved cannabis. The perception of Mr. Turnboo's general opposition to cannabis projects is shared by many residents, including the appellants for the Harde project, who later opposed the Single Source project (CCUP21-0004) before a PC hearing on March 28, 2024. See *Exhibit E* for correspondence confirming perception of Supervisor Turnboo, along with Supervisor Parlin, as well as their respective PC appointees, as "against cannabis".

D. Planning Commissioner Payne Resignation – March 11, 2024

- a. A few days after the 3/5 Harde appeal hearing, Supervisor Turnboo fired his appointed Planning Commissioner Kris Payne, and the County announced a vacancy for the District 2 PC seat on March 11, 2024. Individuals close to the matter have reported that the reason for Mr. Payne's dismissal was due to his votes to approve CCUP projects, specifically those of Green Gables and David Harde.
- b. While Mr. Payne has not overtly confirmed this narrative, direct witnesses have confirmed that the cannabis issue was indeed the reason Supervisor Turnboo dismissed Commissioner Payne. Mr. Payne has also acknowledged the claims and has not disputed them in any way. See *Exhibit F* attached as evidence of this via Facebook post made on April 16, 2024.

E. Planning Commissioner Williams Vote – September 12, 2024

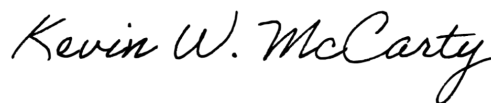
- a. George Robert "Bob" Williams was selected by Supervisor Turnboo as successor to Mr. Payne to fill the PC seat for District 2, with the appointment announced on April 15, 2024. In line with the reports that Mr. Williams was selected specifically for his willingness to oppose all cannabis projects – Mr. Williams' noteworthy credentials notwithstanding – he has voted to deny every cannabis project considered during his tenure as Planning Commissioner, regardless of merits as presented by staff.
- b. For our project, Commissioner Williams expressed concerns about water supply and impacts to wildlife, even though these topics were studied in exhaustive detail by Helix EPI and presented in the Archon Farms MND report. Mr. Williams appeared, both at the August 22 hearing and the September 12 follow-up hearing, not to have read or even cursorily reviewed the project MND. Planning staff produced a memorandum on September 6, 2024, specifically addressing Commissioner Williams' expressed concerns and confirming that all permitting required by the California State Water Resources Control Board (SWRCB) and California Department of Fish and Wildlife (CDFW) had been met by the applicant. Nevertheless, Commissioner Williams continued to express concern over the same items during the PC hearing on September 12, and alleged potential impact to wildlife, ignoring the detailed biological resources analysis in the MND while providing no evidence of his own to substantiate the allegation.

- c. Staff repeatedly reminded Commissioner Williams that they are obliged to abide by the expert scientific reports included in the CCUP application and possess no authority to supersede and/or override them based on mere whim. Mr. Williams' "no" vote on this project and others of its kind confirm that Supervisor Turnboo is biased against all legal cannabis projects in El Dorado County and unwilling to consider the individual merits of a project in making his determination.
- d. If a supervisor directs their appointed planning commissioner to vote a certain way on all projects of a certain type, this represents a potential violation of the Brown Act and raises several additional concerns about Code of Ethics violations. It is clear from the evidence presented herein that Supervisor Turnboo has compromised the impartiality of the El Dorado County Planning Commission with prejudicial direction on cannabis matters, and thus cannot render an impartial judgement on the appeal of Archon Farms' CCUP approved by PC on 9/12/2024. See [Exhibit G](#) for a summary of the illegal and/or ethics violations which may be applicable.

For these reasons, we believe that Supervisor Turnboo's participation in the upcoming hearing would present a conflict of interest and undermine the fair and unbiased consideration of Archon Farms' appeal. His recusal is necessary to ensure that the Board of Supervisors makes its decision based solely on the merits of the case, without the influence of personal or political bias.

Thank you for your attention to this matter. I am available to provide further information or to discuss this request at your convenience. I look forward to your prompt response.

Sincerely,



Kevin W. McCarty
CEO, Archon Farms Inc
kevinwmccarty@pm.me
(775) 240-3055

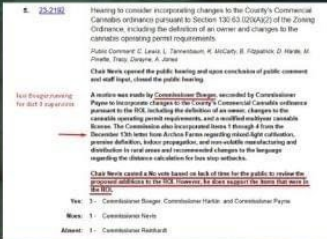
PAY TO PLAY MCCARTY

SAY NO TO SPECIAL INTERESTS!

**MCCARTY + BOEGER =
\$\$\$
FOR POT INDUSTRY!**

Planning Commissioner &
District 3 Supervisor candidate
Lexi Boeger is using her
position to allow a commercial
Pot takeover of our County!

STOP THE CORRUPTION!



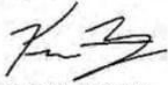
Regards,

Kevin W. McCarty
CEO / President, Archon Farms Inc.
Member, El Dorado County Growers Alliance
kevinwmccarty@pm.me

EXHIBIT B – Tannenbaum Affidavit

STATE OF CALIFORNIA

COUNTY OF EL DORADO

AFFIDAVIT

I, Lee Tannenbaum, being duly sworn, depose and state as follows:

1. I am of legal age and competent to make this affidavit. The statements herein are based on my personal knowledge, information, and belief, and are true and correct to the best of my knowledge.
2. I am a resident of El Dorado County, California, and the CEO of Cybele Holdings, Inc., as well as the President of the El Dorado Growers Alliance (EDCGAA).
3. On the matter of Agenda Number 32, Item number 24-0688, discussed at the Board of Supervisors Meeting, Supervisor Turnboo made statements regarding a fundraising event that took place on September 19th, 2020.
4. Supervisor Turnboo stated that he was unaware of the affiliation of certain attendees with the EDC Growers Alliance or the cannabis community. However, I wish to clarify the facts surrounding this event and set the record straight.
5. On September 17th, 2020, Rod Miller, then a consultant to the EDC Growers Alliance, received a second, personal invitation from Supervisor Turnboo's consultant/campaign manager, Dan Dellinger, to attend a fundraising event wanting then Candidate Turnboo to discuss attaining the cannabis community's support for Supervisor Turnboo's campaign.
6. Fourteen attendees, including myself and my wife Cynthia Tannenbaum, attended this event. All attendees paid a \$50 donation per plate, and all were members of the EDC Growers Alliance. The total campaign donations from these attendees amounted to \$700.
7. During the event, Supervisor Turnboo engaged in discussions with attendees, including myself, regarding cannabis policy and expressed his willingness to support the industry if elected.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this th16 day of October, 2024, at El Dorado County, California.



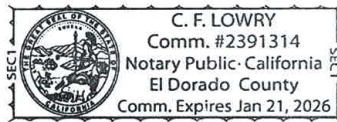
Lee Tannenbaum

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of EL DORADO

Subscribed and sworn to (or affirmed) before me on this 16th
day of October, 2024, by Lee Tannenbaum

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature C. F. Lowry

EXHIBIT C – Correspondence by Robert Sandie re: Green Gables

From: Robert Sandie <rsandie101@yahoo.com>
Sent on: Sunday, November 12, 2023 11:18:25 PM
To: BOS-District II <bostwo@edcgov.us>
CC: BOS-District I <bosone@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District V <bosfive@edcgov.us>; Lina Balciunas Cockrell <lina@majlabor.com>; kevinwmccarty@pm.me; Brandon Reinhardt <Brandon.Reinhardt@edcgov.us>; Kris X. Payne <KPayne@edcgov.us>; Lexi Boeger <Lexi.Boeger@edcgov.us>; Andy Nevis <Andy.Nevis@edcgov.us>; Daniel Harkin <Daniel.Harkin@edcgov.us>; Evan R. Mattes <Evan.Mattes@edcgov.us>; Aaron D. Mount <aaron.mount@edcgov.us>; Karen L. Garner <Karen.L.Garner@edcgov.us>; Jeff Leikauf <jeffleikauf@edso.org>; Lee Tannenbaum <lee.tannenbaum@gmail.com>
Subject: Board of Supervisors Meeting 11/7, Green Gables Growers

George,

It was a privilege to present in front of the Board last week for my cannabis application. I truly wish I could include you in my positive feelings. As one of your constituents, your overall lack of respect and approach was an embarrassment not only to me, but to all of your constituents. I have kept an open mind as I heard feedback from others about your support of white supremacy groups and calls for your resignation. However, I have concluded most of the feedback is based solely on your overall lack of intelligence.

You used an unreliable and unconfirmed source document as your grounds for denial. The appellants would not even give feedback from my estranged and disturbed brother, due to his wild claims and terrible accusations, but you treated them as facts. You did not do your job in sticking to the facts around the variance, nor did you address the variance at all. Your decision disregarded the work our Sheriff, The Planning Commission and County Staff have done in backing my proposed business. I would have expected you to prioritize their approvals and the will of the people. Instead you went with an unverified and untrusted resident of San Jose promoting a family issue of over 7 years ago.

The logic of denial based on me buying our property 3 months after an unlawful grandfather clause is nothing short of prejudice. The votes you are chasing with the school board and Sunridge Meadows makes you look ridiculous. Two parents gave input and one supported the permit. A couple folks from SunRidge showed up and complained about our tree houses, but said nothing about the proposed cannabis grow

I expect your short sighted desire for support will backfire as this county overwhelmingly voted in favor of legalization. There are over 2000 illegal grows in this county. You rejecting our legal venture is just another vote in support of keeping business as usual and turns your back on the small business spending hundreds of thousands to follow the rigorous regulations needed to operate a legitimate operation. In addition, your vote propagates illegal grows, and frankly is a slap in the face to your

constituents, the Sheriff, the Planning Commission and County Staff. Particularly when most of the applicants and cannabis growers reside in your district.

Now that I have first hand knowledge of what I can expect from my supervisor, it is clear we need new representation. I will look forward to seeing any candidate who will oppose you and back them to the fullest extent allowed.

Our county deserves better than your poor and quite frankly lazy effort.

Robert Sandie

Email: rsandie101@yahoo.com

EXHIBIT D – LWV Candidate Forum Statements

TRANSCRIPT:

“I know it was voted on by the people. The people voted for it. But there’s a problem I have with it, especially when it comes to the residents of El Dorado County. Especially when these grows are in certain areas where people live around them. And especially when it comes to the safety and welfare of our children. There was a particular grow on Latrobe Road, and I got beat up on it afterwards with a certain person that had the application, because I voted no on it. Because it was close to an HOA, and it was close to bus stops and close to the schools. And I got a letter thanking me for doing that from the school board, from the principal of the school, and the superintendent of the school, and also from the HOA. There’s a problem with that, and I’m going to make sure that these grows do go in, I know the people voted for it, but there’s got to be a lot of restrictions, especially when it comes to the safety and welfare of El Dorado County. And one of the things that I’m opposed for is, look at the crime, everybody says “oh it’s not going to happen, it’s all secure”. It’s still going to bring crime to El Dorado County, one way or another. And I am not going to be supportive of it, especially when they don’t comply with the rules. When everybody goes in and tries to get a variance so they can get approved. It’s not about money, power, and greed and that’s where it stands today. It’s all about money. It’s not about doing the right thing and the welfare of the residents of El Dorado County.” – Supervisor George Turnboo, February 9, 2024



VIDEO RECORDING LINK:

<https://www.youtube.com/watch?v=M4zfSoFGuOA>

Timestamp for quoted statement above: 45:30

EXHIBIT E – Community Perception of Anti-Cannabis Bias

From: Cammy &/or Michael Morreale <memorreale@sbcglobal.net>
Sent on: Wednesday, March 27, 2024 3:58:52 PM
To: BOS-District IV <bosfour@edcgov.us>; BOS-District II <bostwo@edcgov.us>
Subject: Tomorrow's Planning meeting, please help!

Good morning Supervisor Parlin and Supervisor Turnboo,

A group of us in South County are attending/opposing the Single Source/Commercial Cannabis Planning Commission Meeting tomorrow/March 28 at 8:30AM. Can you give us your thoughts on how we might approach the Planning Commission. With only 2 Planning Members against cannabis, the deck is stacked against us again. Our experience with Planning on 1/25/24 for David Harde's project is that the 2 against cannabis are easily swayed by the pro-pot Planning Commissioners.

Any insight you can provide would be helpful.

Thank you for all you do for El Dorado County,

Cammy Morreale
6625 Perry Creek Road, Somerset
818-681-8552 (cell)

EXHIBIT F – Commissioner Payne Dismissal over Cannabis Projects

Facebook post dated April 16, 2024:

(see highlighted section)

New Planning Commissioner

The District 2 office of Supervisor George Turnboo would like to introduce George Robert "Bob" Williams as the new District 2 [Planning Commissioner](#). Bob is a resident of El Dorado Hills with considerable education and experience in planning, infrastructure, regulatory compliance and project management. Bob's educational background includes an MA/BA in

Chris Cockrell
Top contributor · April 16 · 🌐

Why was Kris Payne fired from the El Dorado County Planning Commission? What we do know is that Turnboo had "ordered" Payne to vote "NO" on all cannabis matters AND that Parlin had demanded Payne's resignation. Parlin also stated that if he did not resign he would remove him!! District 2 now has no one to protect YOUR PROPERTY RIGHTS! We've already seen what Parlin and Turnboo do!

Kris Payne has been working around our local El Dorado County, CA - Government for a very long time. He has more knowledge than Parlin or Turnboo. COMBINED. His replacement will not be good for District 2, just look at the overdevelopment of his own community and the lack of proper impact mitigation. Watch what he does with AKT! [See less](#)

— in El Dorado County, California.

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Top comments ▼

Kris Payne
Thanks Chris for recognizing my contribution to El Dorado County. I received a Certificate of Recognition for Service to the Residents of District 2. I am currently the President of the Taxpayers Association of El Dorado County. I continue to care about the residents of District 2 and wish the best for Bob Williams and have told him I will support him in whatever way I can in his new role.

Comment as Kevin McCarty

EXHIBIT G – Summary of Potential Brown Act & Code of Ethics Violations

Question: “If a Supervisor instructs his Planning Commissioner to vote a certain way on all projects of a certain type, is this a violation of the Brown Act or any other ethical conduct rules?”

Answer: If a Supervisor directs their appointed Planning Commissioner to vote a certain way on all projects of a certain type, this could potentially raise legal and ethical concerns, including:

1. Violation of the Brown Act:

- The Brown Act is California's open meeting law, which ensures that decisions and deliberations by local government bodies are made transparently in public meetings. It primarily governs the transparency of meetings, notice requirements, and the right of the public to attend.
- A Supervisor instructing a Planning Commissioner privately on how to vote could be seen as circumventing the open discussion that should occur at Planning Commission meetings. If such an instruction is done in a manner that constitutes a "serial meeting" (e.g., discussing or deciding in private how votes will occur outside of public meetings), it could violate the Brown Act.
- However, the Brown Act would most clearly be implicated if the instructions involved multiple Commissioners and led to a consensus outside of a noticed public meeting.

2. Ethical Conduct and Conflict of Interest:

- **Conflict of Interest:** Supervisors and Commissioners are bound by ethical guidelines to act in the public interest and avoid actions that could result in conflicts of interest. A Supervisor pressuring a Commissioner to vote a certain way on all projects of a specific type could be seen as prioritizing personal or political interests over the fair assessment of each project.
- **Abuse of Power:** If a Supervisor is leveraging their position to unduly influence the votes of a Planning Commissioner, it could be considered an abuse of their authority. This is especially problematic if it is perceived that the Commissioner is no longer able to exercise independent judgment.
- **Violations of Government Code Section 1090:** This section governs conflicts of interest, specifically prohibiting public officials from having a financial interest in contracts they make in their official capacities. While this law is focused on financial interests, it also broadly addresses public officials' duties to avoid undue influence in decision-making.

3. Potential Violation of Planning Commission Rules and Bylaws:

- Many counties have specific rules or bylaws governing the independence and conduct of Planning Commissioners. If such rules exist in El Dorado County, directing a Commissioner on how to vote could violate those internal governance guidelines. The rules often emphasize that Commissioners should base their decisions on evidence and testimony presented in hearings rather than on external instructions.

4. Code of Ethics and Fair Process:

- California's Fair Political Practices Commission (FPPC) governs the conduct of public officials. While the FPPC focuses on financial conflicts, they also provide guidance on transparency and impartiality.
- An instruction from a Supervisor to a Commissioner to vote uniformly on specific types of projects could potentially be seen as interfering with the Commissioner's duty to provide an independent and impartial review, especially if this instruction is seen as an attempt to sway decisions in favor of a specific political agenda.

Summary:

While the situation described may not be a direct violation of the Brown Act unless it involves secret communications that could constitute a "serial meeting," it raises significant ethical concerns and could be challenged under the rules of fair decision-making and conflict of interest. It might be advisable to consult with an attorney specializing in local government law to get a precise interpretation and guidance on how to address this issue.