BOS 4/8/2025 #25

El Dorado County Commission on Aging

advocates for seniors present and future

April 8, 2025

El Dorado County Supervisors
330 Fair Lane
Placerville, CA 95667

Dear El Dorado County Supervisors:

The El Dorado County Commission on Aging is dedicated to supporting and advocating for the senior population of El Dorado County. With 31% of the County's population being over the age of 60, the influence and concerns of seniors hold significant weight regarding the services provided by the County.

The COA acknowledges the challenging decisions faced by the Board of Supervisors, especially those that involve balancing the retention of essential services with financial prudence. We wish to express our understanding and cooperation with the Board during the budget adjustment process. We are confident that any anticipated cuts will be made with precision and sensitivity to the unique needs of our senior community.

In these times, we recognize the existence of additional viable options for preserving invaluable Senior Services, such as the efficient utilization of county funds and exploring alternative sources of funding. The COA is committed to collaborating with the county in this endeavor by seeking grants, and charitable donations from the community through our outreach programs, and donations provided for specific services.

We extend our gratitude to the staff for their consideration throughout the budget adjustment process and look forward to maintaining a thoughtful and productive working relationship in the future.

On behalf of the Commission on Aging,

Joan Fuquay, Chair

Raymond Wyatt, Vice Chair

937 Spring Street ♦ Placerville, CA 95667 ♦ (530) 621-6150

Kim Dawson

From:	melody.lane@reagan.com
Sent:	Tuesday, April 8, 2025 11:03 AM
To:	Kim Dawson; BOS-Clerk of the Board; George Turnboo
Cc:	Tiffany Schmid; David A Livingston; Mark Treat; BOS-District V; BOS-District IV; BOS-District I; BOS-District III; BOS-District II
Subject:	4/8/25 BOS Agenda Public Comments - Adoption of the Agenda/Consent and Department Matters Item #25
Attachments:	Brown Act Rights of the Public.docx

Please ensure the entirety of my below public comments, and attached **Brown Act Rights of the Public**, are included under Adoption of the Agenda/Consent Calendar, and also under **Item #25**.

In the brief time that I was able to participate on Zoom this morning, I witnessed George Turnboo violate the Brown Act on multiple occasions. It would behoove the entire BOS to brush up on their mandatory **Ethics Training for Public Officials required under AB1234** which includes periodic reviews of the Brown Act.

# # #

I am addressing Items #20 and #25 under Department Matters which states, ***"Items in this category may be called at any time"*** during the day. Not everyone has the luxury of spending their entire day waiting for three brief minutes to express their concerns. Without a time specific on the BOS agenda, then the public is essentially restricted and/or deprived of their rights to actively participate in BOS meetings.

With the assistance of legal experts at **Californians Aware**, Compass2Truth was founded in 2009 on the basis of the preamble to the Brown Act which states:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. ***The people do not yield their sovereignty*** *to the bodies that serve them. The people insist on remaining informed to* ***retain control over the legislative bodies they have created.***"

Section 54954.3 of the Brown Act defines the public's right to testify at meetings. It states, *"Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. As such,* ***members of the public have broad constitutional rights*** *to comment on any subject relating to the business of the governmental body.* ***Any attempt to restrict the content of such speech*** *must be narrowly tailored to effectuate a compelling state interest."*

Over the years the BOS, presumably under the direction of County Counsel, has consistently been inflicting "death by a thousand cuts" to the public's First Amendment rights and ability to participate in governmental affairs.

The Brown Act further states, *"****Any attempt to restrict the content of such speech*** *must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were* ***unconstitutional.*** *(Leventhal v. Visa Unified School Dist.*

and Baca v. Morena Valley Unified School Dist.)...These decisions found that prohibiting critical comments was a form of ***viewpoint discrimination*** *and that such a prohibition promoted discussion* ***artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.***"

The BOS are public ***servants*** bound by their oaths of office. As such, the BOS needs to seriously consider returning to the former practice of agendizing Department Matters for a ***time specific*** in order for the public to actively participate in BOS meetings. Doing so would ensure compliance with the Brown Act and restore public trust, meanwhile empowering constituents and enable them to maintain their sovereignty.

Sincerely,

Melody Lane
Founder – Compass2Truth

"You need a new Board [of Supervisors]. All of them. Hold their feet to the fire. Mine too. I work for you." Sheriff John D'Agostini – August 16, 2011

CALIFORNIA BROWN ACT

PREAMBLE:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

CHAPTER V.

RIGHTS OF THE PUBLIC

§54954.3 Public's right to testify at meetings. (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body.

Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal v. Vista Unified School Dist.* (1997) 973 F. Supp. 951; *Baca v. Moreno Valley Unified School Dist.* (1996) 936 F. Supp. 719.) These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.

54954.2 E (3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.

Where a member of the public raises an issue which has not yet come before the legislative body, the item may be briefly discussed but no action may be taken at that meeting. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)