
Brown Act Cure and Correct Demand – Failure to Allow Public Comment on Agenda Items (Gov. Code §§ 54960.1 & 54954.3)

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Dear Counsel Livingston for the Board of Supervisors, Counsel Splendorio for the El Dorado Hills Community Services District, and District Attorney Pierson

(Cc: Leadership of Both Agencies; Bcc: Numerous Others):

Subject: Demand to Cure and Correct Brown Act Violations – Failure to Allow Public Comment on Agenda Items

Pursuant to **Government Code section 54960.1**, I hereby demand that the El Dorado County Board of Supervisors and the El Dorado Hills Community Services District each **cure and correct actions taken in violation of the Ralph M. Brown Act (Gov. Code § 54950 et seq.)** as described below.

El Dorado County Board of Supervisors – October 21, 2025, Meeting

At the October 21, 2025, regular meeting, the Board's first order of business was adoption of the agenda. During that discussion, multiple Supervisors discussed Item #41, concerning a statewide ballot measure, and then removed that item from the agenda by vote. However, no opportunity was provided for public comment before the Board deliberated or voted to remove the item.

At the October 21, 2025, regular meeting, the Board's first order of business was adoption of the agenda. During that discussion, multiple Supervisors

deliberated on Item #41, concerning a statewide ballot measure, and then removed the item by vote. By deliberating and acting on Item #41 without first allowing public comment, the Board likely violated the Brown Act.

In addition, the Board's routine practice of agendizing "Adoption of the Agenda" without allowing public comment appears to constitute an ongoing, systemic violation of Government Code section 54954.3(a), which guarantees the public an opportunity to address the legislative body before or during its consideration of any item.

El Dorado Hills Community Services District – October 20, 2025, & Prior Meeting (Month Before)

At the October 20, 2025, special meeting, as well as at the regular meeting the previous month, the El Dorado Hills Community Services District Board "gutted" the agenda by a 3–1 vote, removing multiple items without public discussion or comment. This conduct constitutes a violation of Government Code § 54954.3(a), which guarantees the public the right to address the legislative body before or during consideration of any item on the agenda.

While § 54956 permits special meetings to be limited to items listed on the posted agenda, the Brown Act still requires an opportunity for public comment on those listed items before the Board takes action. As with the County Board, the failure to provide any opportunity for public comment before acting to amend or adopt the agenda renders the Board's actions invalid under Government Code § 54960.1(a).

Demand to Cure and Correct

Pursuant to Gov. Code § 54960.1(b), I hereby demand that each body:

1. Acknowledge the violation of § 54954.3(a);
2. Formally rescind or nullify the actions taken to adopt or amend the agenda without allowing public comment; and
3. Reconsider those actions at a properly noticed meeting, allowing public comment as required by law.

Failure to cure and correct within 30 days of receipt of this demand will entitle me, and others similarly concerned, to seek judicial relief pursuant to Government Code § 54960.1(a). Furthermore, the Board's ongoing practice of violating the Brown Act must be immediately corrected.

Both the County Board and the CSD must ensure that public comment is allowed before or during consideration of any item on the agenda, including items discussed or modified as part of "adopting the agenda." The public's right to address the body on each item is fundamental to the Brown Act's purpose of open and transparent deliberation.

I look forward to your agencies taking the necessary official actions to cure and correct the violations described above.

Respectfully submitted,

Dean Getz

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