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Public Comment #21
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>
BOS RCVD 10-26-21

BOS 10/26/21, Item 22

Ruth Michelson <ruthmichelson@sbcglobal.net>
To: BOS Clerk EDC <edc.cob@edcgov.us>

Mon, Oct 25, 2021 at 4:03 PM

Dear Clerk of the Board- Please distribute this to all Board of Supervisors, and attach to the agenda Thank you.

We are writing in support of Sue Taylor's appointment to the County Planning Commission by Supervisor George Turnboo. We can not think of a more technically qualified candidate than Ms. Taylor.

Sue Taylor is often misunderstood in our community as a "no growther" and as a litigious person.

Ms Taylor supports growth that is done in the right way, according to the rules as outlined in the County's General Plan, Specific Plans, ordinances, and other county adopted guidelines. She is against a developer being able to bend the rules at every opportunity and not follow the design standards as set by county staff, unless specific guidelines for waivers are met.

Ms Taylor has helped teach citizens how to engage in the process of land use decisions. This promotes good governance with an involved populace in decisions that impact their daily lives.

Yes, it is a difficult balance to strike. Housing is definitely needed, and Sue Taylor recognizes this. At the Community Chat hosted by Wendy Thomas October 21st, Ms Taylor spoke regarding Dorado Oaks and that the subdivision needs to be built with adequate attention to impacts on

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DATE 10/26/21

the existing neighbors, the heritage oaks, the Native American artifacts, wetlands/hydrology, attention to water and sewer requirements, have sensible housing density and safe traffic flow. This would create a housing development that is compatible with the surrounding community as is required in the General Plan.

An area of concern, however, has to do with the Hangtown Proud Boys. While as individuals they may have done many good deeds, nonetheless they are associated with the national Proud Boy group that was part of the insurrection on our US Capital January 6, 2021. They are self-avowed anti-Semites, anti-Muslim, and pro vigilante justice. It is our hope that Ms. Taylor will not support this group in the future.

Sincerely,

Ruth Michelson
Heidi Mayerhofer
Brian Chapman
Dawn Wolfson



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Recommendation for appointment of Sue Taylor

Teresa Patane <tpatane@gmail.com>

Mon, Oct 25, 2021 at 5:21 PM

To: edc.cob@edcgov.us

I have known Sue Taylor and her family for the past 10 years. Sue has a wealth of knowledge in dealing with our General Plan and Zoning Ordinances. She has also been involved with implementing protections promised to us in the 2004 General Plan. I feel that all projects approved should be compatible with our existing communities. Afterall, isn't the point of zoning to establish order and logic in our communities? I feel that Sue would be an asset to the Planning Commission and strongly urge her appointment.

Lenny Patane
3513 Smokey Mountain Circle
El Dorado Hills



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

October 26, 2021 Agenda Item 21

Tom Cumpston <pracumpston@gmail.com>

Mon, Oct 25, 2021 at 6:11 PM

To: edc.cob@edcgov.us

Dear Chair Hidahl and Board of Supervisors -

I am a Board appointee myself, and I strongly support giving each nominating Supervisor broad discretion in their choices. However broad, discretion should not be unlimited, and I oppose Supervisor Turnboo's nomination of Sue Taylor to replace Cheryl Bly-Chester on the County Planning Commission.

Given the circumstances of Ms. Bly-Chester's removal, her replacement should be someone known for collegiality, consensus-building, and 100% respect for County decisionmakers, staff, the public, and those with differing views. Sue Taylor's long history of public acrimony, sanctimony, conflict, and litigation in this County clearly shows that she is not that person. Her appointment will worsen the antagonism that Ms. Bly-Chester's removal was meant to ease.

Also, Ms. Taylor is not a resident of District 2. While I understand there is some precedent for this practice, it is a poor one and to be avoided. I am sure there are many qualified and interested residents of District 2 who could be appointed, so why choose a controversial non-resident?

Finally, Ms. Taylor's job application shows an alarming lack of understanding of a Planning Commissioner's governance role. It says that she wants to involve herself directly in managing the County Planning and Building departments, by changing their permit processes. Planning Commissioners do not manage the day-to-day functions of their allied departments; an expressed interest in doing so is a red flag warning that dysfunction, chaos, and mischief will likely follow.

So if you decide to appoint Ms. Taylor, please also provide clear, explicit direction about what is and is not within the scope of her authority as a Planning Commissioner. If you fail to do so, you will be undermining both your professional staff, and ultimately your own authority.

Sincerely,

Tom Cumpston
Resident of District 3



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Item 21 File 21-1040 Appointment of Sue Taylor to Planning Commission October 26th 2021 Board of Supervisors Meeting

Lee Tannenbaum <lee.tannenbaum@gmail.com>

Mon, Oct 25, 2021 at 6:22 PM

To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>, The BOSONE <Bosone@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>, Two Bos <bostwo@edcgov.us>, The BOSTHREE <oldbostthree@edcgov.us>, BOS Four <bosfour@edcgov.us>

Cc: Laurel Brent-Bumb <chamber@eldoradocounty.org>, El Dorado Growers Alliance <eldoradogrowersalliance@gmail.com>

Supervisors:

Please vote no on the appointment of Sue Taylor to the Planning Commission. It is critical that Planning Commissioners should be members of the community with judgment about balancing the needs for land use development and community externality prevention.

Ms. Taylor does not bring the judgement and balance the county needs. To my knowledge I have never seen her support any project in the county. It is pointless to appoint Ms. Taylor to the Planning Commission where she's going to vote against every project that can benefit our community.

After Supervisor Turnboo's first nominee failure, having Ms. Taylor on the Planning Commission will guarantee a continuation of contentious meetings and slow decision making as well as the disruptive behavior we've previously seen.

Please appoint Planning Commissioners that are open-minded about projects and their impact on our community. Do not nominate someone who is against everything.

Ms. Taylor and her organization have been and continue to be frequent litigants against the county land use policies. Her litigation would require her, ethically if not legally, to recuse herself on any general plan land use decisions.

Thank you for your assistance in this matter.

Lee Tannenbaum

CEO, Cybele Holdings, Inc.



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Appointment of Sue Taylor to Planning Commission

Jeannette Maynard <jeannette.maynard@yahoo.com>

Mon, Oct 25, 2021 at 5:51 PM

To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>, Lori Parlin <lori.parlin@edcgov.us>, Sue Novesal <bosfive@edcgov.us>, Brian Veerkamp <bosthree@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>

Dear Supervisors,

I just learned that Sue Taylor has been selected to serve as an EDC Planning Commissioner by my District 2 Supervisor. **Sue Taylor is an excellent choice!**

Sue Taylor is extremely knowledgeable about El Dorado County's Zoning Ordinances, General Plan and the wants and needs of our county.

Sue Taylor has been mis-labeled as a "no growth NIMI."

Sue Taylor is determined that projects should be approved when they are compatible with existing communities as required in the General Plan.

Please vote YES to the appointment of Sue Taylor to the Planning Commission.

Thank you, in advance, for your YES vote on October 26, 2021.

Respectfully,

Jeannette Maynard
Shingle Springs/District 2 resident

actions throughout the years has been asking the Board/County to follow the General Plan, Zoning Ordinances, Implement the protections policies promised in the 2004 plan, and approve projects that are compatible with existing communities which is required in the General Plan.



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Sue Taylor as nominer for Planning Commission

Laurel Stroud <stroud_l@sbcglobal.net>
Reply-To: Laurel Stroud <stroud_l@sbcglobal.net>
To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Mon, Oct 25, 2021 at 7:03 PM

I am very proud to support Sue Taylor for a position on the El Dorado County Planning Commission for District 2. I have known Sue for many years and have found her to be honest, honorable, and very hard working for the good of both Placerville and El Dorado County. Her interests are not self serving, as the main interest she supports is adherence to the County's voter supported General Plan.

She has been criticized in the past for being litigious, but that criticism is unfounded. Her only legal challenge involvement has been regarding a proposed development on El Dorado Hills which was in violation of the County's General Plan. Sadly, Supervisor Hildahl was in favor of violating the General Plan in that instance, even though the General Plan had been approved by voters. How sad that any Supervisor would try to violate the General Plan.

Sue Taylor is a very intelligent, hard working, honorable, and independent candidate for the Planning Commission. Many massive development supporters/interests are opposed to her appointment, but only because they see money in violating our General Plan, and have opted for the very poor plans such as water use expansion, to the detriment of current residents.

Please don't let that happen.

Please appoint Sue to the Planning Commission as she will support both what is aligned with our voter supported General Plan, and also understands the value of what the County is capable of.

Sent from AT&T Yahoo Mail on Android



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

District II Planning Commissioner Candidate

Nikki <ntcostello@sbcglobal.net>
To: edc.cob@edcgov.us

Mon, Oct 25, 2021 at 7:52 PM

I am writing in support of Sue Taylor to fill the District II Planning Commissioner position. For years Sue has been a community advocate for planning consistent with the General Plan, zoning ordinances and applicable design guidelines. In this capacity I believe Sue will represent District II well and will prove to be a fair and insightful Commissioner. I recommend Sue fill the District II Planning Commissioner position.

Tim Costello
Shingle Springs
ntcostello@sbcglobal.net



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Planning Commission Agenda Item #21

Susan Statti <susanstatti@gmail.com>

Mon, Oct 25, 2021 at 8:14 PM

To: edc.cob@edcgov.us, BOS Four <bosfour@edcgov.us>, The BOSONE <bosone@edcgov.us>, bostwo@edcgov.us, bosthree@edcgov.us, bosfive@edcgov.us

Dear Board of Supervisors,

Sue Taylor is a very capable candidate for the Planning Commission. I have witnessed her over the last decade spend endless hours working with various communities to help them understand the General Plan and follow the planning process to guide responsible growth in our county. She has not done this for financial gain, but for the love that she has for El Dorado County and its history. Because of this, as residents of District 2, my family and I fully support and would be honored to have Sue Taylor appointed as our district Planning Commissioner.

Susan Statti
Shingle Springs
District 2



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Sue Taylor for Planning Commission

Jim Snoke <snokej@southwestpotters.com>
Reply-To: Jim Snoke <snokej@southwestpotters.com>
To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Mon, Oct 25, 2021 at 9:35 PM

The El Dorado County BOS:

Please find the enclosed attachment on behalf of Sue Taylor for Planning Commission, El Dorado County.

Jim Snoke
Retired ARC teacher and 35-year resident of El Dorado County.

 **To The El Dorado County BOS.pdf**
64K

To: The El Dorado County Board of Supervisors

October 25th, 2021

From: Jim Snoke, Retired Educator and 35-year resident of El Dorado County

I am writing this letter on behalf of Sue Taylor, for whom I have a great deal of respect and admiration. Over many years, she has been an advocate for the people of El Dorado County, and has been consistently challenging elected officials to follow the General Plan when making decisions that have lasting impact on all residents of the county. She is tireless in her efforts, and while those who disagree with her find her difficult to deal with, her relentlessness on behalf of the residents of El Dorado County is clearly her motivation. Labeling her as "litigious" does her a great disservice, since she has participated in only a single legal action to my knowledge. To me, she is a perfect choice for Planning Commissioner, because she will follow the letter of the law, and will not be swayed by partisanship or personal bias. I believe that she has demonstrated her allegiance to El Dorado County and to its future, and I would be happy to discuss this further should you wish to do so.

Sincerely,

Jim Snoke

snokej@southwestpotters.com

209-296-6995



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Sue Taylor as Planning Commission member candidate, agenda item 21 board meeting OCT 26

Rob MacClanahan <thetimetravelershow@gmail.com>

Mon, Oct 25, 2021 at 10:30 PM

To: edc.cob@edcgov.us

I heartily recommend Sue Taylor for the Planning Commission in that aside from her remarkable experience in the private sector, Sue has tirelessly labored to understand and defend El Dorado County's general plan and voter supported measures. She is insightful, intelligent, soft-spoken and I can say with some authority that she collaborates well in group projects, she is a prime mover. I cannot recommend Sue Taylor enough to this pending appointment toward representing the interests of El Dorado residents and preserving the rural character of El Dorado County.

--

Rob MacClanahan, Broadcaster and Producer
THE TIME TRAVELER Mondays Late Night Radio Show
9pm to midnight (rebroadcasts Thursdays 6-9am)
95.1FM KFOK Georgetown, California
<<<streaming around the earth at kfoke.org>>>



Public Comment #21
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>
BOS RCV'D 10-26-21

BOS Agenda Oct 26, Item 21, Planning Commission Appointment

Kim Dawson <kim.dawson@edcgov.us>
To: County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Tue, Oct 26, 2021 at 10:07 AM

Please include with public comment

----- Forwarded message -----

From: **Sandi North** <Sandi.North@c21selectgroup.com>
Date: Tue, Oct 26, 2021 at 10:06 AM
Subject: RE: BOS Agenda Oct 26, Item 21, Planning Commission Appointment
To: Kimberly Beal <kimberlyabeal@gmail.com>
CC: Kim Dawson <kim.dawson@edcgov.us>

Thank you, Kim. I wholeheartedly support our request for a no vote on Sue Taylor on planning commission appointment.

Thank you,

Sandi

Sandi North, Realtor, EDCAR Government Affairs Committee

Cal DRE Lic 01507526

Cell: 530 409-4811

Fax: 530-344-4129

Sandi.north@c21selectgroup.com

Century 21 Select Real Estate

49 Placerville Drive

Placerville, CA 95667

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DATE *10-26-21*

I do NOT send wiring instructions for real estate transactions via email. Please contact your title company for wiring instructions. Please do not convey your financial information via email to me. Contact me via telephone regarding any suspicious or inconsistent communications you receive from my email.

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

From: Kimberly Beal <kimberlyabeal@gmail.com>
Sent: Monday, October 25, 2021 12:11 PM
To: April McNicholas <april@ask-april.com>; Brian Frazier <bfrazier@golyon.com>; Cindy Savage

<talkwithcindy@yahoo.com>; Debra Miller <Debra.Miller@c21selectgroup.com>; DeeDee Riley <driley@golyon.com>; Devin Woodard <dwoodard@edcar.org>; Linda-Ellen Anderson <leanderson888@gmail.com>; Margaret Holland <eldoradoagent@gmail.com>; Patti Babish <escrowswithpatti@gmail.com>; Sally Long Johns <Sally.LongJohns@c21selectgroup.com>; Sue Cox <suecox@directcon.net>; Tim Halverson <th Alverson@primeres.com>; Trent Andra <tandra@golyon.com>; Bill Campbell <bcampbell@ahrep.com>; Bob Grant <bob@bobgranthomes.com>; Bridgette Holmes <bholmes@placertitle.com>; Casey McLoed <casey@corerealtyteam.com>; Jayne Anderson <jayne.anderson@safecu.org>; Joselle Wilson-Tully <jtully@gbmc.com>; Karen Larson <karenlarsonrealtor@gmail.com>; Kelly Horton <khorton@intero.com>; Kimberly A Beal <kimberlyabeal@gmail.com>; Kiri Keefer <kkeefe@norcalgold.com>; Linda Colombo <lcolombo@jps.net>; Mike Powell <kickback1882@msn.com>; Sandi North <Sandi.North@c21selectgroup.com>

Subject: Fwd: BOS Agenda Oct 26, Item 21, Planning Commission Appointment

To the EDCAR Board and Government Affairs Committee,

Tomorrow, the Board of Supervisors will be considering the appointment of Sue Taylor to the EDC Planning Commission for District 2, requested by Supervisor George Turnboo. Attached you will find a letter I sent to the BOS, asking them to vote NO on the appointment and I list a few reasons - though there are more. If any of you have a good standing with any member of the BOS, please contact them today and request they vote no. Or attend the hearing tomorrow and provide testimony. I am unable to attend tomorrow's hearing.

Kim Beal

Government Affairs Director

----- Forwarded message -----

From: **Kimberly Beal** <kimberlyabeal@gmail.com>

Date: Mon, Oct 25, 2021 at 12:06 PM

Subject: BOS Agenda Oct 26, Item 21, Planning Commission Appointment

To: Kimberly Dawson <edc.cob@edcgov.us>, John Hidahl <bosone@edcgov.us>, Wendy Thomas <bosthree@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, George Turnboo <bostwo@edcgov.us>

Cc: Don Ashton <don.ashton@edcgov.us>

Members of the Board of Supervisors,

[Quoted text hidden]

--

Kim Dawson

Clerk of the Board of Supervisors

County of El Dorado

330 Fair Lane, Building A

Placerville, CA 95667

(530) 621-5393

kim.dawson@edcgov.us

[Quoted text hidden]



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Sue Taylor's appointment to the Planning Commission Team

1 message

Mike West <bmikewest@gmail.com>

Tue, Oct 26, 2021 at 10:23 AM

To: edc.cob@edcgov.us

I am pleased that Sue Taylor is being considered as an addition to the Planning Commission team. She is a fountain of knowledge when navigating the complex process of reviewing proposed building projects. Sue has always been helpful to those with building aspirations as they approach the county. She is generous with her time and knowledge and an El Dorado County asset. I support her selection.

To those who apply the term litigious to sue, I would ask, is it not better to have Sue on your team, where you can leverage her knowledge, than have her on the outside correcting your mistakes?

Respectfully,

Barry M. West

Before anyone gets their panties in a twist over what I'm going to say about my objection to the appointment of Sue Taylor to the Planning Commission, they first need to read the FACTS and examine the EVIDENCE contained in the letter attached to this agenda item.

With that being said, Sue Taylor has demonstrated that she does not possess the integrity and honesty to serve as a commissioner in an unbiased manner. A few years ago it was necessary to kick Sue Taylor and Lori Parlin out of my home when it was discovered that Lori Parlin had fraudulently swapped Sue Taylor's name for hers on legal notifications addressed to the BOS involving land use. Then claiming to hold the BOS accountable to their oaths of office, Lori posted the fraudulent letters to the Save Our County website. Despite several demands I made to Lori and Sue to remove the fraudulent postings, the letters still remain posted on the SOC website. As administrator of the Sue Taylor's website, Lori has a conflict of interest. That means she would be required to recuse herself from any BOS decisions involving SOC ~~lawsuits~~.

Astute citizens need to watch the entirety of the April 22nd PC meeting that was the subject of such controversy. The conduct of the entire meeting was beyond absurd. The worst part was that it was done under the direction of county counsel. Dr. Bly-Chester actually had the chutzpah to call out the Commissioners on their violations of the Brown Act which was her rightful duty and in accordance with her oaths of office. In retaliation for doing the right thing, Dr. Cheryl Bly-Chester was removed by the votes of three liberal Supervisors on August 31st. Although Cheryl filed her appeal, she was denied due process of law and the Notice of Vacancy was posted September 10th.

The October 14th PC meeting also continued outside of the law after Breann Mobius confirmed *on the record* that they failed to have a quorum, rendering their subsequent actions null and void. Then there is also the issue of Kim Dawson falsifying the minutes and her failure to lawfully respond to a PRA relevant to that meeting.

My area of expertise is the Brown Act and Conflicts of Interest. I'd like to take this occasion to remind you of the opening statement of the preamble to the Brown Act, ***"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."***

Citizens should be ***demanding*** to know why Cheryl was denied her right to a hearing and due process, and why a Notice of Vacancy was never posted for James Williams as required by law. The answer is Lori Parlin had already selected Andy Nevis as his replacement, which meant no other candidates had the opportunity to apply. After the BOS refused to pull the item for public discussion as I requested, the item was passed on Consent, and in so doing they violated the Brown Act and the Rights of the Public.

There never has been any transparency, no meaningful public dialog, and certainly no accountability--simply the maintenance of the corrupt status quo.

Ladies and gentlemen, that is not "good governance"; it is the hallmark of a totalitarian regime characterized by Bureaucratic Shenanigans primarily due to bad legal advice emanating from County Counsel and the CAO. These meetings have progressively gone from bad, to worse, to blatantly outrageous violations of the Brown Act and the rights of the people. This item should never have even appeared on today's BOS agenda. The only logical solution is the reinstatement of Dr. Bly-Chester to the Planning Commission, and a serious investigation into EDC corruption that is undermining the essential liberties of El Dorado county citizens.

Madam Clerk: Please enter these documents into the public record:


- 1) This transcript
- 2) Brown Act Rights of the Public
- 3) EDC Notice of Vacancies

10/14/21 – Posted NOTICE OF VACANCIES

*Does NOT include Dist #4 PC James Williams PC/Andy Nevis appointed without 10 day notice of vacancy

El Dorado County Committee and Commission Descriptions

Notice of Vacancy: Community and Economic Development Advisory Committee - Posted 10-13-2021

 Notice of Vacancy: El Dorado County Planning Commission District 2 - Posted 9-10-2021 – Cheryl Bly-Chester removed 8/31/21

Notice of Vacancy: El Dorado Solid Waste Advisory Committee - Posted 9-9-2021

Notice of Vacancy: Tahoe Resource Conservation District - Reposted 9-29-2021

Notice of Vacancy: Fish and Wildlife Commission - Posted 8-27-2021

Notice of Vacancy: Building Industry Advisory Committee - Posted 8-11-2021

Notice of Vacancy: El Dorado County Commission for Youth and Families - Posted 7-21-2021

Notice of Vacancy: El Dorado County Early Care and Education Planning Council - Reposted 9-29-2021

Notice of Vacancy: El Dorado County Airport Advisory Committee - Reposted 9-29-2021

Notice of Vacancy: El Dorado County Child Abuse Prevention Council - Reposted 8-19-2021

Notice of Vacancy: Cemetery Advisory Committee - Reposted 4-29-2021

Notice of Vacancy: Diamond Springs and El Dorado Community Advisory Committee - Reposted 9-8-2021

Notice of Vacancy: Cameron Park Design Review Committee - Posted 2-18-2021

Notice of Vacancy: Behavioral Health Commission - Reposted 6-16-2021

Notice of Vacancy: Meyers Advisory Council - Reposted 9-27-2021

Notice of Vacancy: In-Home Supportive Services (IHSS) Advisory Committee - Reposted 8-17-2021

*Note: Notices of Vacancy must be posted for a minimum of 10 work days.

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).)