

**From:** Leo Bennett-cauchon <leocauchon@netscape.net>  
**Sent:** Monday, March 6, 2023 3:00 PM  
**To:** BOS-Clerk of the Board  
**Cc:** David A Livingston  
**Subject:** Re: Cure and Correct Letter

Dear Supervisors,

I urge you to move the following agenda item to the open session of your next meeting. In my reading of the Brown Act consideration of a cure and correct letter belongs in open session. I have seen such transparency shown by other bodies. Further more I expressed, in first letter my letter, in my verbal follow ups, and now in writing through this letter, my goal of discussion not litigation. There is no narrow exception to open meeting requirements based on "significant exposure"

Sincerely,  
Leo

**Agenda item #41: Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(d)(2). Title: Cure and correct letter from Leo Bennett-Cauchon Number of potential cases:

Original letter: "... Government Code Section 54960.1 - excluding, at this time, subsection (a) } we request that within 30 days the EDCBOS cure and correct the above actions of 1/24/23 by: ..."

"54926(d)(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency."

Government Code Section 54960.1 - excluding, at this time, subsection (a) } we request that within 30 days the EDCBOS cure and correct the above actions of 1/24/23 by: ...

On Feb 22, 2023, at 9:56 AM, Leo Bennett-cauchon <leocauchon@netscape.net> wrote:

Dear El Dorado County Board of Supervisors (EDCBOS):

This letter is to call your attention to what we believe was a substantial violation of a central provision of the Ralph M. Brown Act regarding informed public comment. In your meeting of 1/24/23 you took action to stop the meetings of your Human Rights Commission (HRC) as well as to "direct staff to return to the Board within 60 days with

an item to disband the Human Rights Commission” (EDCBOS Final Minutes, Item 37, 1/24/23).

In so doing, you took “action” as defined in Govt. Code 54952.6 because:

1. A majority of the members made a collective decision; i.e. to stop meetings of the HRC.
2. A majority of the members made a collective commitment or promise to make a decision; i.e. to repeal EDCBOS Ordinance 5134.
3. A majority of the members took an actual vote; i.e. to direct staff to return within 60 days with an item to disband the HRC.

The actions violated the Brown Act because it was taken on a matter that was not properly described in the agenda for the open meeting at which the actions were taken.

The Brown Act creates specific agenda obligations for notifying the public with an accurate description of each item to be discussed or acted upon, and also creates a legal remedy for when the obligations are not met.

Pursuant to that provision {Government Code Section 54960.1 - excluding, at this time, subsection (a) } we request that within 30 days the EDCBOS cure and correct the above actions of 1/24/23 by:

1. An agenda item to accept Supervisor Hidahl’s 1/3/23 and Laine’s 1/24/23 offers to serve as the EDCBOS’s appointees to the HRC.
2. An agenda item to receive a presentation from the HRC.
3. An agenda item to receive a presentation from Bridging Divides-El Dorado.
4. An agenda item to discuss the purpose, mission, and renorming or disbanding of the HRC and provide direction to staff on how to proceed.

These agenda items will provide the public the awareness and full opportunity for informed comment which regrettably was not available on 1/24/23.

Respectfully yours,  
Leo Bennett-Cauchon  
Other concerned citizens  
916 307-8525

Addendum:

“... The purpose of the brief general description is to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting of the body. ...” (CA Attorney General, Open Meetings for Local Legislative Bodies)

“... The agenda's description provided no clue that the dismissal of a public employee would be discussed at the meeting. ...” (Moreno v. City of King (2005) 127 Cal App 4th 17, 25 Cal Rptr 3d 29.

“... the agenda item, though not deceitful, was entirely misleading and inadequate to show the whole scope of the board's intended plans. It would have taken relatively little effort to add to the agenda ...” (Carlson v. Paradise Unified School Dist. (1971) 18 Cal.App.3d 196, 200)