

From:
To: [Supervisor Gore](#); [Robert Weygandt](#); [Jim Holmes](#); cindygutafson@placer.ca.gov
Cc: [Placer County - County Counsel](#); [Teri Ivaldi](#); [Megan Wood](#); billp@goldcountrymedia.com
Subject: [EXTERNAL] May 22, 2020 Special Meeting of the Placer County Board Of Supervisors
Date: Thursday, May 21, 2020 5:06:28 PM

I write today of my serious concern that our Placer County Board of Supervisors is not acting in good faith.

Mr. Uhler failed to convince the Board to initiate litigation during the closed session of the May 11, 2020, special Board meeting. Does this mean that Mr. Uhler has since had a hand in the scheduling of two more special meetings on May 20th and May 22nd? The May 20th meeting, which was not placed on the public meeting calendar until that morning, was cancelled approximately two hours before the scheduled start time. Notice of tomorrow's meeting was also delayed on the public meeting calendar and is a closed meeting with legal counsel to discuss "initiation of litigation." That's three special meetings in twelve days. Why?

I also question whether the Placer County Board of Supervisors may be in violation of the Brown Act. When did the Board meet to agree to initiate litigation? Calling a special meeting gives you the implied authority to communicate only for the purpose of determining if the meeting will be held. And, while there are litigation items listed in the minutes of the May 19, 2020 Board meeting, each case, even those discussed in closed session, is clearly labeled with case information. Yet the agenda for May 22 only indicates "one potential case." The agenda, in violation of section 54956.9 does not list the title of the anticipated litigation. According to section 54956.9 (g), that information may be left off of the agenda only when ". . .the body states to do so would jeopardize the agency's ability to effectuate service . . . or that to do so would jeopardize its ability to conclude existing settlement negotiations. . ." I doubt that either of those exclusions apply here. This appears to be an intentional attempt to mask the title or purpose of the anticipated litigation.

The Brown Act is also very clear about the type of business which may be conducted during a special meeting. The body calling the meeting may only consider business included in the meeting notice. This means that any discussion of the agenda items included on the agenda of the cancelled May 20, 2020 meeting may not occur, including a resolution to rescind the Placer County Proclamations and Declarations of Local Emergency, removing the authority of the County Health Officer, or empowering the Placer Board of Supervisors to decide what constitutes a local health emergency.

Furthermore, the noticing of the special meetings, while technically timely, has been delayed on the calendar that provides notifications to interested citizens. By its very nature, a special or emergency meeting is outside the normal scheduling expectations of the public. Unless one were to review posted agenda items daily, it's conceivable that action on items of extreme interest to the public would escape widespread attention. The Placer County Board of Supervisors must avoid the appearance of attempting to shroud their actions in secrecy. Whether intentional or not, that is the appearance here.

It is regrettable that the Board's decision to schedule three hastily called special meetings to satisfy Mr. Uhler's personal agenda reflects poorly upon the integrity of the entire Board.

Thank you.
Barbara V. Smith

Auburn, CA 95603

Bad officials are the ones elected by good citizens who do not vote.

George Jean Nathan

From:
To: [Megan Wood](#); [Teri Ivaldi](#)
Subject: FW: Please oppose Kirk's proposals tomorrow
Date: Thursday, May 21, 2020 2:07:16 PM

-----Original Message-----

From: Jennifer Montgomery
Sent: Thursday, May 21, 2020 1:56 PM
To: Robert Weygandt <RWeygandt@placer.ca.gov>; Cindy Gustafson <Cindygustafson@sbcglobal.net>; Jim Holmes <JHolmes@placer.ca.gov>; Karin Schwab <KSchwab@placer.ca.gov>; Todd Leopold <TLeopold@placer.ca.gov>; Lindsay Romack <LRomack@placer.ca.gov>
Subject: Please oppose Kirk's proposals tomorrow

Why?

- Litigation against the Governor and the State is likely to lose
- Litigation will waste scarce Placer taxpayer dollars
- We're weeks away from a sanctioned opening anyway
- This is not an EMERGENCY. So why the last minute meetings?
- This is simply a last-gasp effort at relevance from a failed politician who will be out of his seat after December.

All my best to all of you!

Jennifer

Excuse my typos! Sent from my iPhone

From:
To: [Megan Wood](#)
Subject: [EXTERNAL] Friday 5/22 special meeting
Date: Thursday, May 21, 2020 3:36:52 PM

I would like to protest the third notice of a special meeting for the BOS. Three special meetings called within a month with a bare 24 hr public notice alarms me that the county is NOT planning appropriately for adequate public notice and timely agenda items. Although the second special meeting was cancelled, it seems odd that the third special meeting is scheduled a mere 39 hours later (Wednesday 6 pm to Friday 9 am) with an opaque notice of "Initiation of litigation pursuant to subdivision (d)(4) of Government Code §54956.9: One potential case".

If the BOS is considering suing the State of CA, Governor Newsom or any other CA state official/agency, I would remind you about the significant public comment that was largely opposed to such a measure earlier in May. While in closed session, there should be no conversation regarding Covid19, nor any expenditure of county funds for serum testing nor the authority of the county Public Health Officer - all topics mentioned for the recently cancelled meeting scheduled for Wednesday.

I expect a higher standard to allow for public comment than has been exhibited this past week. Thank you for your time and attention to this matter.

Kathleen Crawford

From:
To: [Placer County Board of Supervisors](#); [Beverly Roberts](#)
Cc: [Bonnie London](#); [Jim Holmes](#); [Megan Wood](#); [Aimee Sisson](#); bills@goldcountrymedia.com
Subject: [EXTERNAL] Closed BOS Meeting on Friday
Date: Thursday, May 21, 2020 10:49:20 AM

Beverly/Jim,

I just noticed that an agenda has been posted for a closed session of the County BOS on Friday. This is very troubling if the subject of this meeting is to discuss potential litigation between the county and the state of California/governor regarding the COVID state of emergency.

The Brown Act does not give a legislative body blanket authority to hold a closed door session for all potential legal cases. The Brown act requires "discussion in open session concerning those matters would prejudice the position of the local agency in the litigation." in order for a meeting to be closed. The Brown act also requires that the legislative body has received advice from legal council that the session must be closed.

If the BOS is considering making closed door decisions regarding the COVID state of emergency, this would be a very troubling turn of events. The greater public good is met by being fully transparent. There is already distrust growing with the BOS due to the meeting that was originally scheduled for yesterday, which had an obvious hidden agenda of moving the county to Phase 3 in violation of the state order. Now it appears the BOS is trying to do this behind closed doors.

Please consider this email a formal request for the BOS to provide me with evidence that BOS legal council has recommended the session be closed. In addition, please provide evidence that the closed session meets the "discussion in open session concerning those matters would prejudice the position of the local agency in the litigation." standard. If you cannot meet these standards, please open the meeting and post a complete agenda so that the public may participate.

Thank you.
Matt Fox
Loomis

From:
To: [Megan Wood; Placer County - County Counsel](#)
Subject: [EXTERNAL] Emergency Meetings
Date: Thursday, May 21, 2020 2:42:40 PM

To Whom It May Concern,

I am writing regarding my concern about the recent emergency meetings on May 20 and on May 22.

What emergency was there that the meeting on May 20 needed to be called, but then was cancelled - - how big of an urgent matter was it that the meeting could be cancelled?

What is the subject of the proposed litigation for the May 22 meeting?

I am concerned about the repeated waste of taxpayer's money to call emergency meetings, for what appears to be political matters.

Thank you,
Ted Herr
Rocklin

From:
To: [Megan Wood](#)
Subject: [EXTERNAL] Comments for May 22nd BOS Emergency Meeting
Date: Thursday, May 21, 2020 8:13:15 PM

I am writing to say that I oppose unequivocally any attempt by the Placer County Board of Supervisors to sue Gavin Newsom or the State in order to rescind the measures currently in place to ensure public health safety in the midst of an unprecedented pandemic. This is no time for petty partisan politics. Listen to the experts. We need to be able to trust our leaders and feel that they are acting in our best interests, not pandering to a political agenda.

Thank you

Lorrie Poch
Serene Lakes, Soda Springs