

January 29, 2021

Chairperson Virginia Bass
Supervisor Rex Bohn
Supervisor Mike Wilson
Supervisor Steve Madrone
Supervisor Michelle Bushnell
County of Humboldt, Board of Supervisors
Clerk of the Board Kathy Hayes
825 5th Street, Room 111
Eureka, CA 95501

RECEIVED
JAN 29 2021
BOARD OF SUPERVISORS

RE: Brown Act Violations – Cease & Desist

Dear Chairperson Bass, Humboldt County Board of Supervisors, and Ms. Hayes:

This letter serves as a “Cease and Desist” letter under Government Code Section 54960.2(a) of the Ralph M. Brown Act as to ongoing action, most recently taken on January 26, 2021 at the regular meeting of the Board of Supervisors.

As provided in Section 54960.2(a), you may respond within thirty (30) days of receiving the letter, or “elect[] to respond to [this] cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action[s] that [are] alleged to [have] violate[d] this chapter.” (Government Code Section 54960.2(b); See Government Code Section 54960.2(c)(1) for formatting requirements).

Due to the ongoing COVID-19 pandemic, the Humboldt County Board of Supervisors meetings have been conducted via video teleconference. This is permitted pursuant to Government Code Section 54953. However, the Board meetings are conducted in such a way that the full Board is not visible to the public at once. Only the person speaking is displayed on the screen. This means that the public is incapable of determining whether the full Board is present, whether there is a quorum, or whether the supervisors are actively engaged in the meeting.

The Brown Act exists so as to ensure the transparency of public agencies. For the public to be unable to see their elected officials during a public meeting seems to go against the very nature of the Brown Act. Government Code Section 54953(a) provides that all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency. The Board of Supervisors meetings being teleconferenced in such a way that the public cannot view the entire Board is a violation of Section 54953(a), as it is not open and public.

In order to ensure that all meetings are open and public, the Board of Supervisors must cease and desist their use of presentation mode during teleconferenced meetings. The public has a right to know what their elected representatives are doing during these meetings. *All* supervisors must be visible to the public throughout the duration of the meeting, even when they are not speaking.

I LOOK FORWARD TO HEARING FROM YOU!
Kurt Swartz