

Various Citizens of Shasta County  
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(530) 407-4307

February 21, 2023

Via Email ([shastacountybos@co.shasta.ca.us](mailto:shastacountybos@co.shasta.ca.us)) on 2/21/23 and hand delivered to the business address of the following on the same day:

Mr. Patrick Jones, Chair  
Mr. Tim Garman, Vice-Chair  
Ms. Mary Rickert, Supervisor  
Mr. Kevin Crye, Supervisor  
Mr. Chris Kelstrom, Supervisor  
1450 Court Street, Suite 308  
Redding, CA 96001

RE: Brown Act Violation—Cease and Desist—Government Code 54960 & 54960.1(b)  
Consideration of Other Legal, Regulatory, and Administrative Violations

Dear Shasta County Supervisors:

We, the undersigned, as citizens of Shasta County, and constituents of your governing board, are writing with regards to the following issues as they relate to *Item R4 Adopt a resolution in support of the Second Amendment to the United States Constitution (Sponsored by Supervisor Jones)* as listed on the duly-posted agenda for the February 21, 2023 Board of Supervisors (“Board” or “BOS”) meeting.

The first portion of this letter includes a formal ***Demand to Cease and Desist*** as outlined in Government Codes §§54960 & 54960.1(b) as they relate to the potential violation of the Brown Act contained in the posting of the meeting referenced in the previous paragraph. The second portion of this letter comprises various other legal violations we wish to bring to your attention as a means of alerting you to the multiple breaches of law which your proposed action comprises, and to memorialize and preserve our legal standing and right to all future legal remedies available to us with regard to this matter.

**I. Brown Act Violations – Demand to Cease and Desist**

**A. Statement of Facts**

1. On Thursday, February 16, 2023, the agenda for the Board meeting scheduled February 21, 2023 was posted on the Shasta County website at <https://shasta.novusagenda.com/agendapublic/MeetingView.aspx?MeetingID=615&MinutesMeetingID=-1&doctype=Agenda>

2. The item listed at R4 on the aforementioned agenda reads, “*Adopt a resolution in support of the Second Amendment to the United States Constitution (Sponsored by Supervisor Jones).*”

The staff report also attached on the website is extremely sparse in detail, contains no functional analysis of the consequences of the specified action, no range of alternatives and their consequences, no discussion of other departments involved beyond that of the County Counsel. These are all items which are routinely discussed in staff reports for this jurisdiction, so as to provide reasonable transparency in the Board’s decision-making process before the public.

<https://shasta.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=6502&MeetingID=615>

3. The resolution attached to the staff report for proposed adoption includes the following language: “*BE IT FURTHER RESOLVED, the SCBOS shall, with minimal delay, draft or amend county policies, procedures, and ordinances, or take other actions necessary to enforce this Resolution.*” The proposed amendment to policies, procedures, ordinances or other actions is not specified, nor even listed, in Agenda Item R4.

[file:///C:/Users/sbaremore/Downloads/Shasta\\_BOS\\_2A\\_Resolution\\_2023\\_\(Red-Line\)\\_2-21-23\\_Board\\_Meeting%20\(2\).pdf](file:///C:/Users/sbaremore/Downloads/Shasta_BOS_2A_Resolution_2023_(Red-Line)_2-21-23_Board_Meeting%20(2).pdf)

**B. Cause for Action**

This action proposed by the Board, is in violation of the Brown Act, insomuch as the intent outlined in the resolution to “*draft or amend county policies, procedures, and ordinances, or take other actions necessary to enforce this Resolution*” should be implicit in the listed agenda item, or created as separate agenda items due to the complexity of negotiating terms and conditions under existing labor agreements, changes to the county’s Personnel Rules, considerations to safety and risk management, and other regulatory and policy considerations. The agenda as formally posted is in violation of California Government Code §54954.2(a)1, which states in part, “*At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a **brief general description of each item of business to be transacted or discussed at the meeting**, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words.*”

Due to the reach and magnitude of the action implied in the draft resolution, Agenda Item R4 has inadequately, and with demonstrable legal insufficiency, neglected to state or describe the broader intent to changes in regulation, policy, and procedure which are inherent to compliance with this resolution by County departments, employees and the public in general.

As opined in *Carlson v. Paradise USD*, “*On this point alone, we think the trial court was correct because the agenda item, though not deceitful, was entirely misleading and inadequate to show the whole scope of the board’s intended plans.*” A similar case can

be made that the Shasta County Board of Supervisors was misleading and not implicit in its actions and intent within its description of Agenda Item R4.

C. Legal Precedent

In *Carlson v. Paradise Unified School Dist. (1971) 18 Cal.App.3d 196, 199.*, the court stated:

*“In the instant case, the school board’s agenda contained as one item the language ‘Continuation school site change.’ This was entirely inadequate notice to a citizenry which may have been concerned over a school closure. “On this point alone, we think the trial court was correct because 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 that this ‘school site change’ also included the discontinuance of elementary education at Canyon View and the transfer of those students to Ponderosa School.” (Carlson v. Paradise Unified School Dist. (1971) 18 Cal.App.3d 196, 200, original emphasis; see also 67 Ops.Cal.Atty.Gen. 84, 87 (1984).)*

D. Cure and Correction

As means of cure and correction of this Brown Act violation, we ask that this agenda item be removed from the February 21, 2023 agenda, and at a minimum, be reintroduced at a later time with an accurate description which specifies the policies, procedures, and other administrative protocols which will be drafted or amended as directed in the proposed resolution. While the County has 30 days to respond to this Demand, we are hopeful the Board will see the efficiency in removing this agenda item before acting on this item of business, in order to address the legal concerns, as opposed to the further work which would be required to remedy this Brown Act violation after the fact.

Please be advised that the authors of this letter reserve all rights with regard to this Demand.

**II. Other Breaches of Law**

We, the undersigned to this letter further ask that the Board recognize the following ways this proposed resolution is in breach of law.

**A. Loyalty Oaths/Religious Tests**

The fourth ‘FURTHER RESOLVED’ paragraph in the proposed resolution, if retained in a resolution ratified by this Board, is unconstitutional under the Article VI of the U.S. Constitution, which states, *“no religious test shall ever be required as a qualification to any office or public trust under the United States.”* It is also at odds with U.S. Supreme Court case, *Elfbrandt v. Russell (1966)*, which opined loyalty oaths *“unnecessarily infringe(d) on the freedom of political association.”* This latter issue is of great concern locally as there is a wide divergence of opinion regarding what the Second Amendment actually means and how it should be construed and applied in the context of local governance.

**B. Lack of Jurisdiction and Authority**

In multiple places in the originally-drafted resolution, the resolution ignores both the U.S. and California constitutions which confer interpretation of law to the judicial branches of federal and state government.

**C. Conflict of Interest**

Chairman Patrick Jones holds a conflict of interest in passage of this resolution, and any action by this Board which would reasonably increase the purchase and/or access to fire arms which would have the direct, reasonable capacity to enrich his family gun shop, Jones' Fort. Chairman Jones should not be a sponsor to this item of Board business, nor be involved in negotiations with outside interest groups or anyone else promoting this item, and should be fully recused and absent any Board discussion of this item.

Thank you in advance for your responsiveness to our Demand, and for your consideration of the other legal issues we have raised.

Sincerely,

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Susanne Baremore

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Dana Kennedy Silberstein

And on behalf of:

Chris Withey

Stacey Young

Ashley Porter

Christina Candelaria

Benjamin Nowain

And attached others

cc: Mary Williams, Acting Shasta County CEO  
Rubin Cruse, Shasta County Counsel  
Sheriff Michael Johnson  
Chief Bill Schueller, Redding Police Department  
Chief Jon Poletski, Anderson Police Department  
District Attorney Stephanie Bridgett

Attachment: Additional proof of support/signature attached

*Shasta County Board of Supervisors—Demand to Cease and Desist*

*February 21, 2023*

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