

FILED

1 STACEY M. LEYTON, Bar No. 203827  
2 MEGAN WACHSPRESS, Bar No. 310558  
3 ALTSHULER BERZON LLP  
4 177 Post Street, Suite 300  
5 San Francisco, CA 94108  
6 Tel: (415) 421-7151  
7 Fax: (415) 362-8064  
8 Email: sleyton@altber.com  
9 mwachspress@altber.com

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

DEC 31 2018

BY Amber M. Gear  
AMBER M. GEAR, DEPUTY

6 GLENN ROTHNER, Bar No. 67353  
7 JUHYUNG HAROLD LEE, Bar No. 315738  
8 ROTHNER, SEGALL & GREENSTONE  
9 510 South Marengo Avenue  
10 Pasadena, California 91101-3115  
11 Phone: (626) 796-7555  
12 Fax: (626) 577-0124  
13 Email: grothner@rsglabor.com  
14 hlee@rsglabor.com

15 Attorneys for Petitioners

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
17 FOR THE COUNTY OF SAN BERNARDINO

18 MICHAEL GOMEZ DALY and INLAND  
19 EMPIRE UNITED,

20 Petitioners,

21 v.

22 BOARD OF SUPERVISORS OF SAN  
23 BERNARDINO COUNTY; ROBERT A.  
24 LOVINGOOD, as First District Supervisor and  
25 Chair of the Board of Supervisors; JANICE  
26 RUTHERFORD, as Second District Supervisor  
27 and Vice Chair of the Board; CURT  
28 HAGMAN, as Fourth District Supervisor of  
the Board; and JOSIE GONZALES, as Fifth  
District Supervisor of the Board,

Respondents.

DAWN ROWE,

Real Party in Interest.

CASE NO CIVDS 1833846

VERIFIED PETITION FOR WRIT OF  
MANDATE

[Gov. Code §54960.1, Code Civ. Proc.  
§1085]

*Handwritten signature/initials*





1 and the Third District. In addition, Inland Empire United’s member organizations themselves  
2 have individual members who are taxpayers and residents of San Bernardino County and the  
3 Third District. Inland Empire United and its members are interested in ensuring that the Third  
4 District on the San Bernardino County Board is represented by a Supervisor who reflects the  
5 needs and preferences of the entire Third District, and that the process for selecting this  
6 Supervisor is open, transparent, and accessible to candidates of color and their supporters.

7 9. Respondent San Bernardino County Board of Supervisors (“Board”) is, and at all  
8 relevant times was, the governing body of the County of San Bernardino, a charter county and  
9 political subdivision of the State of California, and a legislative body subject to the requirements  
10 of the Ralph M. Brown Act, §54950 *et seq.*

11 10. Respondent Robert A. Lovingood (“Lovingood”) is and was at all relevant times  
12 the First District Supervisor and Chair of the Board. Lovingood is a member of a “legislative  
13 body” within the meaning of the Ralph M. Brown Act. Gov. Code §54952.

14 11. Respondent Janice Rutherford (“Rutherford”) is and was at all relevant times the  
15 Second District Supervisor of the Board. Rutherford is a member of a “legislative body” within  
16 the meaning of the Ralph M. Brown Act. Gov. Code §54952.

17 12. Respondent Curt Hagman (“Hagman”) is and was at all relevant times the Fourth  
18 District Supervisor and Vice Chair of the Board. Hagman is a member of a “legislative body”  
19 within the meaning of the Ralph M. Brown Act. Gov. Code §54952.

20 13. Respondent Josie Gonzales (“Gonzales”) is and was at all relevant times the Fifth  
21 District Supervisor of the Board. Gonzales is a member of a “legislative body” within the  
22 meaning of the Ralph M. Brown Act. Gov. Code §54952.

23 14. Real Party in Interest Dawn Rowe (“Rowe”) was appointed as Third District  
24 Supervisor for the Board on December 18, 2018, through a process that violated the Brown Act.  
25 Respondents’ appointment of Rowe to the Board is the subject of this lawsuit.



1 shall be made by the Governor.” A true and correct copy of the relevant section of the San  
2 Bernardino County Charter is attached hereto as Exhibit C.

3 22. At a Special Meeting on November 13, 2018, the Board approved a process to  
4 select an individual to fill the anticipated vacancy in the position of Third District Member of the  
5 Board of Supervisors for the remainder of Ramos’s term. Qualified electors of the Third District  
6 were invited to submit applications between November 14 and December 3, 2018. Beginning  
7 December 11, 2018, the Board would “conduct public interviews of those applicants who are  
8 qualified electors of the Third District and who have timely filed the application.” A true and  
9 correct copy of the Fair Statement of the November 13 meeting at which the Board voted on this  
10 process is attached hereto as Exhibit D.

11 23. On December 3, 2018, Ramos was sworn in as Member of the Assembly, creating  
12 a vacancy in his position as Third District Member of the San Bernardino Board of Supervisors.

13 24. In accordance with the process set forth in the Minutes of the Board’s November  
14 13, 2018 Regular Meeting, 52 individuals submitted applications for the vacancy. One  
15 application was subsequently withdrawn. According to the published minutes of the Board’s  
16 December 4, 2018 Regular Meeting, the Clerk of the Board determined that 48 of the remaining  
17 applicants were registered electors residing in the Third District of San Bernardino County and  
18 therefore eligible for consideration. A true and correct copy of the relevant portion of the Fair  
19 Statement of the December 4 Board Regular Meeting is attached hereto as Exhibit E.

20 25. At the Board’s December 4, 2018 Regular Meeting, over the objection of  
21 Supervisor Gonzales, the Board modified the selection process that it had adopted at the  
22 November 13, 2018 Regular Meeting. Rather than schedule interviews for each of the 48  
23 eligible candidates, as planned, the Board directed each Supervisor to submit, via electronic mail,  
24 up to ten candidate names to the Clerk of the Board. Only those candidates who received at least  
25 two votes in this secret and seriatim ballot would be invited to interview. Neither the December  
26 4, 2018 Agenda nor any other published notice indicated that the Board would consider and vote  
27 on a new selection process that limited interviews to those candidates selected by secret and

1 seriatim ballot. True and correct copies of the relevant portion of the Agenda and corresponding  
2 Report/Recommendation for the December 4, 2018 Board Regular Meeting are attached hereto  
3 as Exhibit F.

4 26. On information and belief, on or about December 10, 2018, Supervisors  
5 Lovingood, Rutherford, Hagman, and Gonzales submitted to the County Clerk, via electronic  
6 mail, the names of their preferred candidates.

7 27. The December 10, 2018 seriatim meeting that resulted in the narrowing of  
8 candidates under consideration from 48 to 13 was not publicly noticed. No publicly noticed  
9 document identifies either the total number of votes received by each candidate and no publicly  
10 available document identifies the names of the candidates selected by each Supervisor.

11 28. On the basis of this secret and seriatim ballot, 13 candidates were designated  
12 "nominees" and invited to be interviewed by the Board. These 13 "nominees" were given an  
13 opportunity to speak directly to the Board and to answer questions, for approximately 20 minutes  
14 each, at a Special Meeting of the Board held on December 11, 2018. Attached hereto as Exhibit  
15 G is a true and correct copy of the Report/Recommendation to the Board of Supervisors for the  
16 December 11, 2018 Special Meeting, including the list of 13 "nominees" to be interviewed at  
17 that meeting.

18 29. The remaining 35 eligible candidates were not interviewed by the Board and were  
19 removed from the pool of candidates under consideration.

20 30. At the December 11, 2018 meeting, five candidates from the 13 nominees were  
21 selected for further consideration: Bill Emmerson, Sean Flynn, William Jahn, Rhodes Rigsby,  
22 and Dawn Rowe.

23 31. On December 12, 2018, Samuel Sukaton, Data and Special Projects Manager of  
24 Inland Empire United, sent an electronic mail message to David Wert, Public Information  
25 Officer of San Bernardino County requesting, *inter alia*, the lists of candidates sent by each  
26 Supervisor to the Clerk of the Board as part of the December 10, 2018 vote. On December 13,  
27 2018, Mr. Wert responded, stating that he was attaching "all of the materials that you requested"

1 in his possession, including a “tally sheet resulting from the process adopted by the board.” A  
2 true and correct copy of this email exchange is attached hereto as Exhibit H. The attached tally  
3 sheet does not show which names any individual Supervisor submitted. A true and correct copy  
4 of this “tally sheet,” as sent by Mr. Wert on December 13, 2018 is attached as Exhibit I.

5 32. A Special Meeting of the Board of Supervisors was noticed for December 13,  
6 2018. The agenda for that meeting stated that the supervisors would conduct interviews of the  
7 applicants qualified for appointment and would then select the Third District Member of the  
8 Board of Supervisors.

9 33. Prior to the noticed meeting on December 13, 2018, Ruth Musser-Lopez  
10 sent two demand letters to the Board of Supervisors, identifying the December 10, 2018 secret  
11 ballot as a violation of the Brown Act and alleging that the candidates interviewed on December  
12 11, 2018 did not include any candidates of color and were almost exclusively men. Ms. Musser-  
13 Lopez demanded that the Board cure or correct this violation by voiding the secret ballot and  
14 “allow[ing] the equal processing of all 48 applicants with equal time to give their speech to the  
15 Board” before the Board took its final vote to fill the Third District Supervisor position. True  
16 and correct copies of these letters, sent by electronic mail, are attached as Exhibit J.

17 34. In response to Ms. Musser-Lopez’s letters, and on advice of County Counsel, the  
18 Board did not take further action on the selection of the new Supervisor at its December 13, 2018  
19 Special Meeting. Instead, minutes after the meeting began, the Board quickly adjourned the  
20 meeting.

21 35. On December 18, 2018, Petitioner Gomez Daly sent a letter to the Board and  
22 Supervisors informing them that the December 10, 2018 ballot by which the 13 finalists were  
23 selected violated the Brown Act because it was both a serial meeting and a secret ballot, and  
24 demanding that the Board cure or correct this violation of the Brown Act by providing an equal  
25 opportunity for all eligible candidates to be considered by the Board. *See* Exhibit A.

26 36. The Board did not interview, or invite to interview, the 35 candidates who had not  
27 been selected through the December 10, 2018 secret ballot. Nor did the Board provide public  
28



1 notice, or notice to the eligible candidates, of a new process in lieu of the unlawful December 10,  
2 2018 vote.

3 37. Instead, at its next regular meeting, on December 18, 2018, the Board voted to  
4 “rescind the prior actions” it had taken with respect to the Third District vacancy. Following this  
5 vote Supervisor Hagman suggested each Supervisor “put two or three names in the hat,” at which  
6 point the Board could ask “further” questions of the candidates or simply move to appoint a  
7 Supervisor.

8 38. Supervisor Lovingood stated that he believed the Board’s prior actions were  
9 consistent with what was “stated in the policy” and the Board’s “obligations.” He then made a  
10 motion to nominate Dawn Rowe for the position of Supervisor. The motion received two votes  
11 in favor and did not move forward.

12 39. Having failed to appoint Dawn Rowe without any further process after the  
13 purported “rescission” of the Board’s earlier actions, Supervisor Lovingood then stated that they  
14 would “go to the name cast, then,” and directed the Clerk to distribute ballots. Supervisor  
15 Gonzales asked that the individuals who received votes in this new process be brought forward  
16 for questions. Supervisor Lovingood then moved to direct each Supervisor to submit three  
17 names, and that each candidate who received at least one vote would be interviewed. The  
18 motion was adopted.

19 40. Six individuals received at least one vote from the Supervisors during the  
20 December 18, 2018 ballot. Those six individuals included the five candidates who had received  
21 the most votes following the December 11, 2018 interviews. In addition, Christopher Carrillo,  
22 who was not among the 13 “nominees” but on whose behalf several members of the public gave  
23 comments at the December 18, 2018 meeting, received one vote, from Supervisor Gonzales. Mr.  
24 Carrillo had also received one vote in the December 10, 2018 secret and seriatim ballot, but one  
25 vote was not deemed sufficient at that time to qualify an individual for an interview.

26 41. Each of the six individuals who received at least one vote on December 18, 2018  
27 was provided with an opportunity to answer questions from the Board at the December 18, 2018

1 meeting, immediately following the vote. At no point prior to the December 18, 2018 meeting  
2 were applicants or the public given notice that interviews would be conducted. A true and  
3 correct copy of the relevant portion of the Agenda for the December 18, 2018 Regular Meeting is  
4 attached as Exhibit K. A true and correct copy of the Report/Recommendation associated with  
5 the relevant Agenda item, which included the names of the 13 candidates who had been selected  
6 for interviews via the December 10, 2018 unlawful secret and seriatim vote, is attached as  
7 Exhibit L.

8 42. Five candidates, who were among the 13 selected by secret ballot on or about  
9 December 10, 2018, were given the opportunity to interview on both December 11, 2018—at  
10 which time they were selected as finalists—and again on December 18, 2018 after the purported  
11 “rescission” of the Board’s earlier actions. Those candidates were Bill Emmerson, Sean Flynn,  
12 William Jahn, Rhodes Rigsby, and Dawn Rowe.

13 43. Other than Christopher Carrillo, none of the 35 eligible candidates who were  
14 excluded from consideration via the secret and seriatim ballot on December 10, 2018 were given  
15 the opportunity to interview before the Board. Mr. Carrillo was interviewed, without prior notice  
16 that he would possibly be interviewed, for approximately nine minutes on December 18, 2018.

17 44. Following the conclusion of the interviews, Supervisor Lovingood again moved  
18 to appoint Dawn Rowe. The motion was seconded and adopted. After a short recess, Rowe was  
19 sworn in as Supervisor of the Board for the Third District.

20 **PETITION FOR WRIT OF MANDATE**

21 **(Ralph M. Brown Act, Gov. Code § 54950 *et seq.*)**

22 45. Government Code §54952.2(a) provides, in relevant part: “As used in this  
23 chapter, ‘meeting’ means any congregation of a majority of the members of a legislative body at  
24 the same time and location...to hear, discuss, deliberate, or take action on any item that is within  
25 the subject matter jurisdiction of the legislative body.”

26 46. Government Code §54952.2(b)(1) provides: “A majority of the members of a  
27 legislative body shall not, outside a meeting authorized by this chapter, use a series of

1 communications of any kind, directly or through intermediaries, to discuss, deliberate, or take  
2 action on any item of business that is within the subject matter jurisdiction of the legislative  
3 body.”

4 47. Government Code §54953(a) provides in pertinent part: “All meetings of the  
5 legislative body of a local agency shall be open and public, and all persons shall be permitted to  
6 attend any meeting of the legislative body of a local agency.”

7 48. Government Code §54953(c) provides in pertinent part: “No legislative body shall  
8 take action by secret ballot, whether preliminary or final. ... The legislative body of a local  
9 agency shall publicly report any action taken and the vote or abstention on that action of each  
10 member present for the action.”

11 49. Petitioners are entitled to a judicial determination that the Ralph M. Brown Act  
12 was applicable to Respondents’ December 10, 2018 vote, and that this vote was a “series of  
13 communications” within the meaning of Government Code §54952.2 by which the Board took  
14 action on the selection of a Third District Supervisor and was conducted in violation of §54953.

15 50. Petitioners are also entitled to a judicial determination that the Ralph M. Brown  
16 Act was applicable to Respondents’ December 10, 2018 vote, that this vote was a secret ballot  
17 within the meaning of Government Code §54953, and that the Board violated the Brown Act by  
18 conducting a secret ballot to select a list of nominees to be interviewed and considered for the  
19 position of Third District Supervisor.

20 51. Government Code §54960.1 provides, in pertinent part: “[A]ny interested person  
21 may commence an action by mandamus or injunction for the purpose of obtaining a judicial  
22 determination that an action taken by a legislative body of a local agency in violation of Section  
23 54953... is null and void under this section.”

24 52. Petitioners are entitled to a judicial determination that Respondents’ electronic  
25 mail vote on or about December 10, 2018 for a list of “nominees” to fill the vacant Third District  
26 Supervisor position violated Government Code §§54952.2 and 54953; that on December 11,  
27 2018 the Board interviewed only those candidates who were unlawfully so selected; that the

1 Board failed to cure or correct this violation because its consideration of candidates on December  
2 18, 2018 was informed by these unlawfully conducted interviews; and that the selection of Dawn  
3 Rowe as Supervisor on December 18, 2018 is therefore null and void under §54960.1.

4 53. Petitioners have no plain, speedy, or adequate remedy at law nor an administrative  
5 remedy they may exhaust with regard to the deprivation of their statutory rights by the conduct  
6 described herein.

7 54. Government Code §54960.5 provides in pertinent part: “A court may award court  
8 costs and reasonable attorney fees to the plaintiff in an action brought pursuant to [Government  
9 Code] Section ... 54960.1, ... where it is found that a legislative body of the local agency has  
10 violated [the Ralph M. Brown Act].”

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Petitioners pray:

13 55. That this Court issue a judicial determination that the Ralph M. Brown Act was  
14 applicable to the vote taken on or about December 10, 2018 by the San Bernardino County  
15 Board of Supervisors.

16 56. That this Court issue a judicial determination that Respondents’ conduct of a  
17 secret ballot, via seriatim electronic mail communications, to select 13 “nominees” for the  
18 position of Third District Supervisor, violated Government Code §§54952.2 and 54953, and that  
19 the selection of these “nominees” was null and void under Government Code §54960.1.

20 57. That this Court issue a judicial determination that Respondents’ actions at the  
21 December 18, 2018 Regular Meeting of the San Bernardino County Board of Supervisors did not  
22 cure or correct this violation, and that the appointment of Dawn Rowe as Third District  
23 Supervisor is null and void under Government Code §54960.1.

24 58. That this Court order Respondents, and each of them, to rescind the appointment  
25 of Dawn Rowe as Third District Member of the San Bernardino County Board of Supervisors.

26 59. That this Court declare that, because the 30-day period following James Ramos’s  
27 resignation as Third District Member of the San Bernardino County Board of Supervisors

1 expires on January 2, 2019 and the Board has failed to lawfully appoint a Supervisor in the  
2 designated 30-day period, the appointment of the Third District Member of the San Bernardino  
3 County Board of Supervisors shall be made by the Governor.

4 60. For court costs and reasonable attorneys' fees incurred herein; and

5 61. For such other and further relief as the Court deems just and proper.

6  
7 DATED: December 31, 2018

8 ALTSHULER BERZON LLP  
9 STACEY M. LEYTON  
10 MEGAN WACHSPRESS

11 ROTHNER, SEGALL & GREENSTONE  
12 GLENN ROTHNER  
13 JUHYUNG HAROLD LEE

14 By: Megan Wachspress  
15 MEGAN WACHSPRESS


16 Attorneys for Petitioners  
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**VERIFICATION**

I, Michael Gomez Daly, am Executive Director of Inland Empire United, and a Petitioner in this action. I have read the foregoing Petition for Writ of Mandate ("Petition") and am familiar with its contents. All facts alleged in the above Petition not otherwise supported by exhibits or other documents are true of my own knowledge. I am also authorized to make this declaration on behalf of Inland Empire United. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Corcoran, CA, on DEC. 29th, 2018.

  
\_\_\_\_\_  
Michael Gomez Daly

**Alexander-Kelley, Penny**

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**From:** michael@ieunited.org  
**Sent:** Tuesday, December 18, 2018 6:28 AM  
**To:** Supervisor Lovingood; Supervisor Hagman; Supervisor Gonzales; Supervisor Rutherford  
**Cc:** Welch, Laura; Blakemore, Michelle; 'Stacey Leyton'  
**Subject:** URGENT Ralph M. Brown Act Violation Correction  
**Attachments:** san bernadino draft\_v3.pdf

Dear Supervisors,

Please find the attached letter regarding previous Ralph M. Brown Act violations and proposed corrections.

Best,  
Michael Gomez Daly  
Director, IE United  
951-977-1281

December 18, 2018

San Bernardino County Board of Supervisors  
Robert A. Lovingood <supervisorLovingood@sbcounty.gov>  
Curt Hagman <supervisorHagman@sbcounty.gov>  
Josie Gonzales <supervisorGonzales@sbcounty.gov>  
Janice Rutherford <supervisorRutherford@sbcounty.gov>  
385 N. Arrowhead Avenue, Fifth Floor  
San Bernardino, CA 92415

Dear Supervisors,

This letter is to call your attention to serious violations of the Ralph M. Brown Act, to demand that you cure and correct those violations, and to explain the inadequacy of what appears to be the Board's plans to correct those violations.

The nature of these violations is as follows: On or about December 10, 2018, the majority of the San Bernardino County Board of Supervisors, using a series of communications, deliberated and took actions toward appointing a Third District Member of the Board, and conducted a secret ballot vote to select those individuals who would be interviewed for this position (which resulted in excluding those applicants who were not so selected), in violation of Government Code §§54952.2(b) and 54953(c). As a result of this secret, unlawful vote, 30 applicants were excluded from consideration and were not permitted to interview on December 11, 2018.

California's open meeting laws clearly prohibit the use of mail or electronic mail to cast ballots to make legislative decisions. Legislative bodies, such as the Board, must "act *at meetings*." See 85 Ops.Cal.Atty.Gen. 103. Email votes are prohibited regardless of whether the legislative body later makes members' votes available to the public. 00 Ops.Cal.Atty.Gen. 906. The publication of the "tally sheet"—which does not show which Member voted for which candidate, making the election a secret ballot—as part of the Agenda for the Board's December 18 Meeting does not address or in any way cure this violation.

It appears that the Board is attempting to address the illegality of its earlier actions by reconsidering all 43 eligible candidates at its December 18 Regular Meeting. However, any appointment of a Third District Member that is not preceded by providing an equal opportunity for all candidates to interview with the Board will be insufficient to cure the Board's past unlawful actions. Where a legislative body has engaged in secret fact-finding—such as collectively interviewing candidates—re-taking a vote in a public meeting does not cure the Brown Act violation. See *Page v. MiraCosta Cmty. Coll. Dist.* 180 Cal.App.4th 471, 505 (2009). Because the selection of the 13 candidates to be interviewed on December 11 violated the Brown Act, any continuation of the process of filling the Third District vacancy that does not address the improperly selective interview process should be considered null and void.

In addition, where, as here, a board has engaged in information gathering and discussion about a decision in violation of the Ralph M. Brown Act, simply "reconsider[ing] and approv[ing]" the



unlawfully private decision does not cure this violation. *Id.* Public officials may not engage in a private fact-finding or decision-making process “which ought to be made in public and then conduct a mere ‘ceremonial’ hearing to satisfy the open meeting requirement.” *Morrison v. Hous. Auth. of the City of Los Angeles Bd. of Comm'rs.*, 107 Cal.App.4th 860, 876 (2003).

Pursuant to Government Code §54960.1, I demand that the San Bernardino County Board of Supervisors cure and correct these illegally taken actions as follows: Declare null and void the secret, unlawful ballot taken on or about December 10, and determine a process for selecting a candidate for the vacant Third District seat that is not tainted by the Board’s past, unlawful actions: namely, that you allow all 43 candidates to participate in interviews with the Board, at a meeting or meetings that are properly noticed in conformance with the Brown Act’s requirements. Only that solution will permit members of the public the opportunity for informed comment, and cure the Brown Act violations.

As provided by Government Code §54960.1, you have 30 days from the receipt of this letter either to cure or correct the challenged actions or to inform me of your decision not to do so. If you fail to cure or correct as demanded, such inaction may leave me no recourse but to seek a judicial invalidation of the challenged action pursuant to §54960.1, in which case I would also ask the court to order you to pay my seek court costs and reasonable attorney fees in this matter, pursuant to Government Code §54960.5.

I also take this opportunity to remind the Board that any member who attends a meeting of a legislative body where action is taken in violation of the Brown Act, and intends to deprive the public of information to which the member knows the public is entitled, is guilty of a misdemeanor under Government Code §54949.

Sincerely,

Michael Gomez Daly  
Director, IE United (IE United is a fiscally sponsored project of The Advocacy Fund)  
michael@ieunited.org

Cc: Laura Welch, Clerk of the Board <lwelch@cob.sbcounty.gov>  
Michelle Blakemore, County Counsel <mblakemore@cc.sbcounty.gov>  
Stacey Leyton, Altshuler Berzon LLP <sleyton@altshulerberzon.com>

MICHELLE D. BLAKEMORE  
County Counsel

PENNY ALEXANDER-KELLEY  
Chief Assistant County Counsel



COUNTY COUNSEL  
385 NORTH ARROWHEAD AVENUE, 4<sup>th</sup> FLOOR  
SAN BERNARDINO, CA 92415-0140

(909) 387-5455 Fax (909) 387-5462

December 20, 2018

Michael Gomez Daly, Director  
IE United  
Email address only provided: [michael@ieunited.org](mailto:michael@ieunited.org)

RE: Notification re Complaint of Brown Act Violation Dated December 18, 2018

Dear Mr. Gomez Daly:

Pursuant to Government Code section 54960.1, the County of San Bernardino hereby notifies you of its actions to cure and/or correct the actions that you have challenged as set forth in your letter dated December 18, 2018, sent via email on December 18, 2018. For convenience, copies of your letter and email are attached.

Please find enclosed the Report/Recommendation to the Board of Supervisors (Board) dated December 18, 2018, for Item No. 102 evidencing the curative and/or corrective actions taken by the Board. We also direct you to the videos of the regular meeting of the Board on December 18, 2018 pertaining to Item No. 102, the regular meeting of the Board on December 4, 2018 pertaining to Item No. 81, and the special meetings of the Board on December 13, 2018 and November 13, 2018. Videos of the meetings of the Board may be found at [www.sbcounty.gov/Main/Pages/ViewMeetings.aspx](http://www.sbcounty.gov/Main/Pages/ViewMeetings.aspx).

Very Truly Yours,

MICHELLE D. BLAKEMORE  
County Counsel

A handwritten signature in black ink, appearing to read "Michelle D. Blakemore".

By: Michelle D. Blakemore  
County Counsel

PAK:ea/agr – with Enclosures  
#21F6372

cc: Board of Supervisors and Clerk of the Board

**Alexander-Kelley, Penny**

---

**From:** michael@ieunited.org  
**Sent:** Tuesday, December 18, 2018 6:28 AM  
**To:** Supervisor Lovingood; Supervisor Hagman; Supervisor Gonzales; Supervisor Rutherford  
**Cc:** Welch, Laura; Blakemore, Michelle; 'Stacey Leyton'  
**Subject:** URGENT Ralph M. Brown Act Violation Correction  
**Attachments:** san bernadino draft\_v3.pdf

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951-977-1281

December 18, 2018

San Bernardino County Board of Supervisors  
Robert A. Lovingood <supervisorLovingood@sbcounty.gov>  
Curt Hagman <supervisorHagman@sbcounty.gov>  
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The nature of these violations is as follows: On or about December 10, 2018, the majority of the San Bernardino County Board of Supervisors, using a series of communications, deliberated and took actions toward appointing a Third District Member of the Board, and conducted a secret ballot vote to select those individuals who would be interviewed for this position (which resulted in excluding those applicants who were not so selected), in violation of Government Code §§54952.2(b) and 54953(c). As a result of this secret, unlawful vote, 30 applicants were excluded from consideration and were not permitted to interview on December 11, 2018.

California's open meeting laws clearly prohibit the use of mail or electronic mail to cast ballots to make legislative decisions. Legislative bodies, such as the Board, must "act *at meetings*." See 85 Ops.Cal.Atty.Gen. 103. Email votes are prohibited regardless of whether the legislative body later makes members' votes available to the public. 00 Ops.Cal.Atty.Gen. 906. The publication of the "tally sheet"—which does not show which Member voted for which candidate, making the election a secret ballot—as part of the Agenda for the Board's December 18 Meeting does not address or in any way cure this violation.

It appears that the Board is attempting to address the illegality of its earlier actions by reconsidering all 43 eligible candidates at its December 18 Regular Meeting. However, any appointment of a Third District Member that is not preceded by providing an equal opportunity for all candidates to interview with the Board will be insufficient to cure the Board's past unlawful actions. Where a legislative body has engaged in secret fact-finding—such as collectively interviewing candidates—re-taking a vote in a public meeting does not cure the Brown Act violation. See *Page v. MiraCosta Cmty. Coll. Dist.* 180 Cal.App.4th 471, 505 (2009). Because the selection of the 13 candidates to be interviewed on December 11 violated the Brown Act, any continuation of the process of filling the Third District vacancy that does not address the improperly selective interview process should be considered null and void.

In addition, where, as here, a board has engaged in information gathering and discussion about a decision in violation of the Ralph M. Brown Act, simply "reconsider[ing] and approv[ing]" the

unlawfully private decision does not cure this violation. *Id.* Public officials may not engage in a private fact-finding or decision-making process “which ought to be made in public and then conduct a mere ‘ceremonial’ hearing to satisfy the open meeting requirement.” *Morrison v. Hous. Auth. of the City of Los Angeles Bd. of Comm’rs.*, 107 Cal.App.4th 860, 876 (2003).

Pursuant to Government Code §54960.1, I demand that the San Bernardino County Board of Supervisors cure and correct these illegally taken actions as follows: Declare null and void the secret, unlawful ballot taken on or about December 10, and determine a process for selecting a candidate for the vacant Third District seat that is not tainted by the Board’s past, unlawful actions: namely, that you allow all 43 candidates to participate in interviews with the Board, at a meeting or meetings that are properly noticed in conformance with the Brown Act’s requirements. Only that solution will permit members of the public the opportunity for informed comment, and cure the Brown Act violations.

As provided by Government Code §54960.1, you have 30 days from the receipt of this letter either to cure or correct the challenged actions or to inform me of your decision not to do so. If you fail to cure or correct as demanded, such inaction may leave me no recourse but to seek a judicial invalidation of the challenged action pursuant to §54960.1, in which case I would also ask the court to order you to pay my seek court costs and reasonable attorney fees in this matter, pursuant to Government Code §54960.5.

I also take this opportunity to remind the Board that any member who attends a meeting of a legislative body where action is taken in violation of the Brown Act, and intends to deprive the public of information to which the member knows the public is entitled, is guilty of a misdemeanor under Government Code §54949.

Sincerely,

Michael Gomez Daly  
Director, IE United (IE United is a fiscally sponsored project of The Advocacy Fund)  
michael@ieunited.org

Cc: Laura Welch, Clerk of the Board <lwelch@cob.sbcounty.gov>  
Michelle Blakemore, County Counsel <mblakemore@cc.sbcounty.gov>  
Stacey Leyton, Altshuler Berzon LLP <sleyton@altshulerberzon.com>

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

**102**

December 18, 2018

**FROM: ROBERT A. LOVINGOOD, Chairman & First District Supervisor  
Board of Supervisors**

**SUBJECT: SELECTION OF THIRD DISTRICT SUPERVISOR**

**RECOMMENDATION(S)**

1. Rescind the December 10, 2018, establishment of an interview list of thirteen candidates for Third District Member of the Board of Supervisors.
2. Rescind the December 11, 2018, establishment of a finalist list of five candidates for Third District Member of the Board of Supervisors.
3. Amend the process for selection of the Third District Member of the Board of Supervisors approved on November 13, 2018, as revised on December 4, 2018.
4. Conduct deliberations in open session.
5. Select the Third District Member of the Board of Supervisors.

(Presenter: Robert A. Lovingood, Chairman and First District Supervisor, 387-4830)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS AND OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost).

**BACKGROUND INFORMATION**

Third District Supervisor James Ramos has resigned and taken the oath of office at the California State Assembly - 40<sup>th</sup> District, resulting in a vacancy in the Third District Supervisor's office. The San Bernardino County Charter (Charter), Article 1, Section 7, provides that a vacancy in the office of Supervisor will be filled by appointment by majority vote of the remaining members of the Board of Supervisors (Board) from amongst qualified electors of the Supervisorial District in which such vacancy exists. The Charter further provides that the vacancy be filled by the Board within 30 days of the vacancy or the Governor makes the appointment to fill the vacancy. The Charter is silent as to any process to fill the vacancy. For example, the Board could merely appoint a successor to the Third District Supervisor without extensive process.

On November 13, 2018, and on December 4, 2018, the Board approved and then modified an application and selection process designed to provide an opportunity for qualified electors of the

Page 1 of 2

Third District to be considered for appointment (Items No. 1 and Item No. 81, respectively) within the time constraints of the Charter and the 2018 holiday schedule. On December 4, 2018, the Clerk of the Board reported that applications from 48 qualified electors had been received. A list of the names of these 48 qualified electors is attached as Attachment "A". Pursuant to the process, the applicants were asked to submit supplemental materials consisting of responses to questions and any additional supporting materials. A total of 43 of the applicants submitted information by the deadline on December 7, 2018. A list of the names of those applicants is attached as Attachment "B".

On December 11, 2018, following the modified process approved on December 4, 2018, the Board interviewed thirteen applicants, as identified on Attachment "C," and established a finalists list of five candidates to be considered for appointment to the vacancy of the Third Supervisorial District seat on the Board. On December 12 and December 13, 2018, the County received correspondence challenging the selection process for filling the vacancy and alleging procedural violations. Because of the limited time in which the Board of Supervisors may exercise its right to make an appointment to fill the Third District Supervisorial vacancy, a legal defense of the open and transparent process is not practical. Contesting the allegations may result in a forfeiture to the Governor of the Board's right to make the selection. Accordingly, the recommended actions set forth above will mitigate any alleged procedural errors and afford the Board of Supervisors the opportunity at this meeting to deliberate and select a candidate to fill the vacancy of the Third District Member of the Board of Supervisors. The recommended amendment to the selection process is for the Board to determine that for purposes of its deliberations and selection, it will rely on the 43 applications submitted to the County, the supplemental questionnaires submitted by candidates, any other documentation submitted by a candidate, and the testimony and comments presented by members of the public in open session of the Board of Supervisors meeting on December 11, 2018.

**PROCUREMENT**

None.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Michelle D. Blakemore, 387-5455) on December 13, 2018; Finance (Stephenie Shea, Administrative Analyst, 387-4919) on December 14, 2018; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on December 14, 2018.

## ATTACHMENT "A"

### THIRD DISTRICT SUPERVISOR APPLICANTS

	Name		Name
1.	Kaisar Ahmed	30.	Kenneth W. Lussier
2.	Damon L. Alexander	31.	Chris Mann
3.	Jim Bagley	32.	Eugene Melville
4.	Greg Bogh	33.	Treasure Ortiz
5.	Tobin Brinker	34.	Cristina Puraci
6.	Matthew Campos	35.	David Radtke
7.	Christopher M. Carrillo	36.	Heather Regan
8.	Libbern Cook	37.	Rhodes L. Rigsby
9.	Ronald Dailey	38.	Jack P. Roberts
10.	R. Carey Davis ( <i>Richard C. Davis</i> )	39.	Sylvia A. Robles
11.	Neiland K. Derry	40.	Dawn Rowe
12.	William Emmerson	41.	Mike Saifie ( <i>Mahmood Asghar Saifie</i> )
13.	William R. Fawke	42.	Mario Saucedo
14.	James P. Ferraris	43.	Eddie Tejada
15.	Sean M. Flynn	44.	Judith Valles ( <i>Judith Valles-Smith</i> )
16.	Neil Gericke	45.	Kristin Washington
17.	James G. Glass	46.	Eric Whedbee
18.	Rosa E. Gomez	47.	Renea Wickman
19.	Kristin (Kris) Goodfellow	48.	Robert D. Wilson
20.	Julie Hackbarth-McIntyre		
21.	Brian Hairston		
22.	Dennis L. Hansberger		
23.	T. Milford Harrison		
24.	Richard T. Herrick		
25.	Karen Ickes		
26.	Jody L. Isenberg		
27.	William E. Jahn		
28.	Janice Leja		
29.	John Longville		



## ATTACHMENT "B"

### THIRD DISTRICT SUPERVISOR APPLICANTS SUBMITTING SUPPLEMENTAL MATERIALS

	Name		Name
1.	Kaisar Ahmed	30.	Treasure Ortiz
2.	Jim Bagley	31.	Cristina Puraci
3.	Greg Bogh	32.	David Radtke
4.	Tobin Brinker	33.	Heather Regan
5.	Matthew Campos	34.	Rhodes L. Rigsby
6.	Christopher M. Carrillo	35.	Jack P. Roberts
7.	Libbern Cook	36.	Sylvia A. Robles
8.	Ronald Dailey	37.	Dawn Rowe
9.	R. Carey Davis ( <i>Richard C. Davis</i> )	38.	Mike Saifie ( <i>Mahmood Asghar Saifie</i> )
10.	Neiland K. Derry	39.	Mario Saucedo
11.	William Emmerson	40.	Eddie Tejada
12.	William R. Fawke	41.	Judith Valles ( <i>Judith Valles-Smith</i> )
13.	James P. Ferraris	42.	Renea Wickman
14.	Sean M. Flynn	43.	Robert D. Wilson
15.	Neil Gericke		
16.	James G. Glass		
17.	Rosa E. Gomez		
18.	Kristin (Kris) Goodfellow		
19.	Julie Hackbarth-McIntyre		
20.	Dennis L. Hansberger		
21.	T. Milford Harrison		
22.	Richard T. Herrick		
23.	Karen Ickes		
24.	William E. Jahn		
25.	Janice Leja		
26.	John Longville		
27.	Kenneth W. Lussier		
28.	Chris Mann		
29.	Eugene Melville		

## ATTACHMENT "C"

### THIRD DISTRICT SUPERVISOR APPLICANTS SELECTED FOR INTERVIEWS

	Name		Name
1.	Jim Bagley		
2.	Tobin Brinker		
3.	Ronald Dailey		
4.	R. Carey Davis ( <i>Richard C. Davis</i> )		
5.	William Emmerson		
6.	Sean M. Flynn		
7.	Julie Hackbarth-McIntyre		
8.	Dennis L. Hansberger		
9.	William E. Jahn		
10.	Janice Leja		
11.	Chris Mann		
12.	Rhodes L. Rigsby		
13.	Dawn Rowe		

**CHARTER**  
of the  
County of San Bernardino, California

As amended by Charter Amendments  
Adopted through November 6, 2012

**SECTION 7.** A supervisor may be removed from office in the manner provided by law. Any vacancy in the office of supervisor will be filled by appointment by majority vote of the remaining members of the Board from amongst the qualified electors of the supervisorial district in which such vacancy exists. The appointee shall hold office until the election and qualification of his successor. An election shall be held to fill the vacancy for the unexpired term at the next general election unless the term expires on the first Monday of December next succeeding the election. Nomination and election of a supervisor for the unexpired term shall be by district in like manner as hereinbefore provided for such officer. In the event the Board of Supervisors shall not appoint to fill a vacancy within a 30-day period, such appointment shall be made by the Governor.

**REMOVAL OF SUPERVISOR: FILLING OF VACANCY BY MEMBERS OF BOARD**

**SECTION 8.** It shall be the duty of the Board of Supervisors by ordinance to insure that any elective officer required by general law to post individual bond shall do so and that any other County officers or employees required to be bonded shall be covered under a master bond.

**BONDS OF COUNTY OFFICERS AND EMPLOYEES**

**SECTION 9.** Section 9 of Article I of the Charter is repealed.

The unnumbered initiative amendment in Article VI added by County Charter Amendment Number Thirty-one is repealed.

Repealed by Amendment 36, filed and operative November 18, 1985.

FAIR STATEMENT OF PROCEEDINGS FOR THE SPECIAL MEETING OF THE  
SAN BERNARDINO COUNTY BOARD OF SUPERVISORS

**Tuesday, November 13, 2018**

**ROBERT A. LOVINGOOD  
CHAIRMAN**

First District Supervisor



**CURT HAGMAN  
VICE CHAIRMAN**

Fourth District Supervisor

**JANICE RUTHERFORD**  
Second District Supervisor

**JAMES RAMOS**  
Third District Supervisor

**JOSIE  
GONZALES**  
Fifth District  
Supervisor

**Chief Executive Officer**  
Gary McBride

**County Counsel**  
Michelle D. Blakemore

**Clerk of the  
Board**  
Laura H.  
Welch

Except where noted, all scheduled items were heard in the Covington Chambers of the Board of Supervisors, County Government Center, 385 North Arrowhead Avenue, First Floor, San Bernardino, California.

**PRESENT:** Board of Supervisors: Robert A. Lovingood, Janice Rutherford, James Ramos, Curt Hagman, Josie Gonzales

**OTHERS IN ATTENDANCE:** Chief Executive Officer Gary McBride  
County Counsel Michelle D. Blakemore  
Clerk of the Board Laura H. Welch

**PUBLIC SESSION**

**10:00 A.M. – CONVENE MEETING OF THE BOARD OF SUPERVISORS – Covington Chambers, First Floor, County Government Center**

Invocation and Pledge of Allegiance  
Fifth District Supervisor Josie Gonzales provided the Invocation  
Second District Supervisor Janice Rutherford lead the Pledge of Allegiance

**DISCUSSION CALENDAR**

**COUNTY DEPARTMENTS**

**Board of Supervisors**

1. Schedule a Special Meeting of the County Board of Supervisors on Tuesday, December 11, 2018 at 10:00 a.m. to conduct public interviews of applicants qualified for appointment as Third District member of the Board of Supervisors.
2. Approve the following process for selection of the Third District Member of the Board of Supervisors:
  - a. The period for filing an application [consisting of a cover letter, resume and completed application form (Attachment A)] for the Third District Member of the Board of Supervisors shall commence November 14, 2018 at 10:00 a.m. and end on December 3, 2018 at 2:00 p.m. Each applicant must be a qualified elector of the Third District and must submit the application to the Clerk of the Board of Supervisors during the specified filing period.

- b. After the close of the application filing period, applicants will receive a set of issue-based questions approved by the Chairman that the Board requests each applicant address during the applicant's public interview.
- c. On Tuesday, December 11, 2018, commencing at 10:00 a.m., the Board of Supervisors shall conduct public interviews of those applicants who are qualified electors of the Third District and who have timely filed the application. If additional time is needed to complete public interviews, the Board shall schedule another Special Meeting. The Board shall thereafter deliberate in open session to select the Third District Member of the Board.

(Presenter: Robert A. Lovingood, Chairman and First District Supervisor, 387-4830)

Public Comment: John Longville

**APPROVED AS AMENDED WITH BOARD DIRECTION**

Motion/Second: Josie Gonzales/James Ramos

AYES: Robert A. Lovingood, Janice Rutherford, James Ramos, Curt Hagman, Josie Gonzales

**Board Direction:** Direct Clerk of the Board to publish announcements of the Third District Supervisor Vacancy in newspapers located in the Third Supervisorial District.

**THE NEXT REGULAR MEETING OF THE BOARD OF SUPERVISORS IS SCHEDULED FOR TUESDAY, DECEMBER 4, 2018 AT THE COUNTY GOVERNMENT CENTER, 385 NORTH ARROWHEAD AVENUE, SAN BERNARDINO WITH CLOSED SESSION BEGINNING AT 9:00 A.M. AND PUBLIC SESSION BEGINNING AT 10:00 A.M.**

This Fair Statement sets out a summary of the actions taken on each of the items on the agenda for Tuesday, November 13, 2018. The Clerk of the Board is directed to include this Fair Statement with the "Report/Recommendations to the Board of Supervisors of San Bernardino County, California and Record of Action" for said date.

ATTEST

\_\_\_\_\_  
**ROBERT A. LOVINGOOD, Chairman**  
Board of Supervisors

\_\_\_\_\_  
**LAURA H. WELCH**  
Clerk of the Board

10/1/14

10/1/14

10/1/14

10/1/14

# **EXHIBIT E**

FAIR STATEMENT OF PROCEEDINGS FOR  
THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS

**Tuesday, December 4, 2018**

**ROBERT A. LOVINGOOD  
CHAIRMAN**

First District Supervisor



**CURT HAGMAN  
VICE CHAIRMAN**

Fourth District Supervisor

**JANICE RUTHERFORD**  
Second District Supervisor

**VACANT**  
Third District Supervisor

**JOSIE GONZALES**  
Fifth District Supervisor

**Chief Executive Officer**  
Gary McBride

**County Counsel**  
Michelle D. Blakemore

**Clerk of the Board**  
Laura H. Welch

Except where noted, all scheduled items were heard in the Covington Chambers of the Board of Supervisors, County Government Center, 385 North Arrowhead Avenue, First Floor, San Bernardino, California.

**PRESENT:** Board of Supervisors: Robert A. Lovingood, Janice Rutherford, Curt Hagman, Josie Gonzales

**VACANT:** Third District Seat

**OTHERS IN ATTENDANCE:** Chief Executive Officer Gary McBride  
County Counsel Michelle D. Blakemore  
Clerk of the Board Laura H. Welch

**CLOSED SESSION**

**9:00 A.M. - CONVENE MEETING OF THE BOARD OF SUPERVISORS - Citrus Room, Fifth Floor, County Government Center**

**BOARD OF SUPERVISORS**

Conference with Legal Counsel - Existing Litigation (Government Code section 54956.9(d)(1))

1. Anthony Sapalicio, et al. v. County of San Bernardino, et al., San Bernardino County Superior Court Case No. CIVDS1517878
2. Gerardo Vasquez v. County of San Bernardino, United States Central District Court, Case No. 5:18-cv-01729-SVW-SHK

Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation (Government Code section 54956.9(d)(2))

3. Five cases

Conference with Labor Negotiator (Government Code section 54957.6)

4. Agency designated representative: Bob Windle

Employee organizations:

- Teamsters Local 1932- all units
- San Bernardino County Public Attorneys Association- Attorney unit
- California Nurses Association- Nurses and Per Diem nurses
- San Bernardino County Probation Officers Association- Probation Unit
- SEIU Local 2015- In- Home Supportive Services Provider unit
- SEIU Local 721- Professional Unit
- San Bernardino County Sheriff's Employees' Benefits Association - Safety Unit, Safety Management and Supervisory Unit, Specialized Peace Officers & Specialized Peace Officers Supervisory Unit

**HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO**

Conference with Real Property Negotiator (Government Code section 54956.8)



VACANT: Third District Seat

78. Acting as the governing body of the San Bernardino County Flood Control District (District):
1. Approve Appraisal No. 18-34, dated July 18, 2018, a copy of which is on file with the Real Estate Services Department.
  2. Authorize the Real Estate Services Department to acquire 1,381 square feet (0.03 acres) from a portion of one parcel [Assessor Parcel Number (APN) 1191-231-38], in fee simple interest for the estimated total cost of \$8,600, plus estimated escrow and title fees of \$2,000, for the Sand Creek/Warm Creek Confluence Channel Project, situated between Sand Creek/Warm Creek Flood Control Channel and Pacific Palms Mobile Home Park. The said parcel is owned by The Pacific Palms Mobilehome Park Corporation, a California nonprofit public benefit corporation.
  3. Authorize the Director of the Real Estate Services Department to execute the acquisition agreement to acquire the fee interest from one privately-owned parcel, and to execute any other documents necessary to complete this transaction.
- (Presenter: Terry W. Thompson, Director, 387-5252)

**APPROVED (CONSENT CALENDAR)**

Motion/Second: Curt Hagman/Janice Rutherford

AYES: Robert A. Lovingood, Janice Rutherford, Curt Hagman, Josie Gonzales

VACANT: Third District Seat

**DISCUSSION CALENDAR**

Board of Supervisors

79. Action on Consent Calendar - Public Comment: Marcellous Mason, Barbara Sokoloff, Alice Varela

**PUBLIC COMMENT**

In accordance with County Code section 12.0101, any member of the public may address the Board on any matter not on the agenda that is within the subject matter jurisdiction of the Board.

Public Comment: Pastor Benjamin Briggs, Pastor Georgia Brown, Patrice Brown, Miguel Bunita, Bryan Jones, Matthew Woods

**DISCUSSION CALENDAR (cont'd)**

Board of Supervisors

80. Deferred Items – Item No. 76
81.
  1. Receive report from the Clerk of the Board regarding the number of applications received from qualified electors for appointment as Third District Member of the Board of Supervisors.
  2. Reconsider the process for selection of the Third District Member of the Board of Supervisors approved on November 13, 2018 and, if necessary, approve changes as needed.
(Presenter: Robert A. Lovingood, Chairman and First District Supervisor, 387-4830)

Public Comment: None

**APPROVED WITH BOARD DIRECTION**

The Clerk of the Board announced that a total of 52 applications were received. Two applicants do not reside in the District, one applicant is not a registered voter in the County and one applicant withdrew their application. There are a total of 48 applications for consideration.

**Board Direction:** The Board directs the Clerk of the Board to send a Supplemental Questionnaire to all qualified candidates and requests that answers be returned by 12:00 noon on Friday, December 7, 2018 and that all responses will be sent to the Board of Supervisors by 5:00 P.M. that day.

The Board further directs that each Board member submit up to 10 applicant names to the Clerk by Monday, December 10, 2018 at 10:00 A.M., and that applicants that receive at least two acknowledgements from Supervisors be notified by the Clerk that they will be scheduled for an interview on December 11, 2018.

Motion/Second: Curt Hagman/Janice Rutherford

AYES: Robert A. Lovingood, Janice Rutherford, Curt Hagman

NAYS: Josie Gonzales

VACANT: Third District Seat

### Sheriff

82.       1. Conduct a public forum in accordance with Government Code Section 7283.1, subdivision (d).  
           2. Receive a report from the Sheriff/Coroner/Public Administrator Department regarding its interaction and communications with United States Immigration and Customs Enforcement in 2017.  
           3. Receive a report from the Probation Department regarding its interaction and communications with United States Immigration and Customs Enforcement in 2017.  
           4. Receive public comment.  
 (Presenter: John Ades, Captain, 387-0640)

Public Comment: Lizbeth Abeln, Joseph Chan, John Guzman, Mandy Guzman, Kathleen Hazelton, Donna Henderson, Kenneth Hunter, Robin Hvidston, Mariela Jaquez, Lucia, Loree Masonis, Stella May, Lyzzeth Mendoza, Mireya, Silvia Murillo, Luis N., Marcela Ramirez Ortega, Luis Reyes, Raul Rodriguez Jr., Sandra Rose, Najayra Valdovinos Soto, Luis Suarez, Greg Susca, John Willis, Benjamin Wood, Cherie Wood, Matthew Woods

### **REPORT RECEIVED**

AYES: Robert A. Lovingood, Janice Rutherford, Curt Hagman, Josie Gonzales

## **ADDITIONAL DISCUSSION ITEM**

### Board of Supervisors

**MOTION TO ADD TO AGENDA:** Pursuant to Government Code section 54954.2(b)(2), the Board of Supervisors determined that an urgency situation exists because there is an immediate need to take action and that the need for action came to the attention of the County subsequent to the agenda being posted. This action places Item No. 83 on the Discussion Calendar

### **APPROVED**

Motion/Second: Curt Hagman/Josie Gonzales

AYES: Robert A. Lovingood, Janice Rutherford, Curt Hagman, Josie Gonzales

VACANT: Third District Seat

83.       1. Approve an addition to the agenda under the exception provided in Government Code section 54954.2(b)(2). (2/3 votes required)  
           2. Discuss potential action related to the President's action declaring December 5, 2018 as a National Day of Mourning honoring President George H.W. Bush.  
 (Presenter: Robert A. Lovingood, First District Supervisor, 387-4830)

### **NO ACTION TAKEN**

## **INDIVIDUAL BOARD MEMBER COMMENTS (5 Minutes)**

There were no Individual Board Member comments for today's meeting.

**THE NEXT REGULAR MEETING OF THE BOARD OF SUPERVISORS IS SCHEDULED FOR TUESDAY, DECEMBER 18, 2018 AT THE COUNTY GOVERNMENT CENTER, 385 NORTH ARROWHEAD AVENUE, SAN BERNARDINO WITH CLOSED SESSION BEGINNING AT 9:00 A.M. AND PUBLIC SESSION BEGINNING AT 10:00 A.M.**

This Fair Statement sets out a summary of the actions taken on each of the items on the agenda for Tuesday, December 4, 2018. The Clerk of the Board is directed to include this Fair Statement with the "Report/Recommendations to the Board of Supervisors of San Bernardino County, California and Record of Action" for said date.

CONSOLIDATED AGENDA FOR THE  
SAN BERNARDINO COUNTY BOARD OF SUPERVISORS MEETING

**Tuesday, December 4, 2018**

**ROBERT A. LOVINGOOD**  
**CHAIRMAN**  
First District Supervisor



**CURT HAGMAN**  
**VICE CHAIRMAN**  
Fourth District Supervisor

**JANICE RUTHERFORD**  
Second District Supervisor

**VACANT**  
Third District Supervisor

**JOSIE GONZALES**  
Fifth District Supervisor

**Chief Executive Officer**  
Gary McBride

**County Counsel**  
Michelle D. Blakemore

**Clerk of the Board**  
Laura H. Welch

This is a consolidated agenda for the scheduled meeting of the San Bernardino County Board of Supervisors, also sitting as the Governing Board of the following: Successor Agency to the County of San Bernardino Redevelopment Agency; County Industrial Development Authority; Housing Authority of the County of San Bernardino; In-Home Supportive Services Public Authority; Inland Counties Emergency Medical Agency; County Flood Control District; Board Governed County Service Areas; Inland Empire Public Facilities Corporation; San Bernardino County Financing Authority; San Bernardino County Fire Protection District; Big Bear Valley and Bloomington Recreation and Park Districts.

This consolidated agenda contains a brief description of each item of business to be considered at today's meeting. In accordance with the Ralph M. Brown Act, this meeting agenda is posted at least 72 hours prior to the regularly scheduled meeting on the official Board of Supervisors Bulletin Boards outside of the County Government Center, 385 North Arrowhead Avenue, San Bernardino, CA, the Bob Burke Joshua Tree Government Center, 63665 Twentynine Palms Highway, Joshua Tree, CA 92252 and the Jerry Lewis High Desert Government Center, 15900 Smoke Tree Street, Hesperia, CA 92345. The agenda, its supporting documents and all writings received by the Board related to these items are public records and available for review during regular business hours at the Clerk of the Board of Supervisors office on the 2<sup>nd</sup> floor of the County Government Center. The agenda and its supporting documents, along with live and archived video of the meeting, can be viewed online at <http://www.sbcounty.gov/cob>. However, the online agenda may not include all available supporting documents or the most current version of documents.

Unless otherwise required by Federal, State, or local law or regulation, an act of the Board of Supervisors is valid and/or binding if a majority of all the members of the Board concur. Any exception to the majority vote requirement will be noted as part of the recommended action in the Board item (e.g., "Four votes required").

Items listed on the Consent Calendar are expected to be routine and non-controversial and, unless the Board directs that an item be held for further discussion, the entire Consent Calendar will be acted upon as the first item of business on the Discussion Calendar (entitled "Action on Consent Calendar"). If the Board directs that an item listed on the Consent Calendar be held for further discussion, the item will be addressed under "Deferred Items," the second item listed on the Discussion Calendar.

In accordance with County Code section 12.0101, members of the public may address the Board on any item on the agenda and on any matter that is within the Board's jurisdiction. To address the Board regarding an item on the agenda, complete and submit the yellow form entitled "Calendared Item – Request to Speak." To address the Board regarding an item within its jurisdiction but not on today's agenda, complete and submit the white "Public Comment – Request to Speak" form. Requests must be submitted to the Clerk of the Board before the item is called for consideration. If the speaker wants the Board to consider any documentation, eight copies of the documentation should be submitted with the request. Submitted documents will become part of the public record and will not be returned to the speaker. The Chairman will call speakers forward to present their comments at the appropriate time. When called, approach the podium and be prepared to speak. Speakers may address the Board for up to three (3) minutes total on the consent calendar, up to three (3) minutes on each discussion item, and up to three (3) minutes total on Public Comment, not to exceed a total of twelve (12) minutes for the meeting, unless it is determined that a

(Presenter: Kevin Blakeslee, Chief Flood Control Engineer, 387-7906)

- 78) Acting as the governing body of the San Bernardino County Flood Control District (District):
1. Approve Appraisal No. 18-34, dated July 18, 2018, a copy of which is on file with the Real Estate Services Department.
  2. Authorize the Real Estate Services Department to acquire 1,381 square feet (0.03 acres) from a portion of one parcel [Assessor Parcel Number (APN) 1191-231-38], in fee simple interest for the estimated total cost of \$8,600, plus estimated escrow and title fees of \$2,000, for the Sand Creek/Warm Creek Confluence Channel Project, situated between Sand Creek/Warm Creek Flood Control Channel and Pacific Palms Mobile Home Park. The said parcel is owned by The Pacific Palms Mobilehome Park Corporation, a California nonprofit public benefit corporation.
  3. Authorize the Director of the Real Estate Services Department to execute the acquisition agreement to acquire the fee interest from one privately-owned parcel, and to execute any other documents necessary to complete this transaction.

(Presenter: Terry W. Thompson, Director, 387-5252)

### **DISCUSSION CALENDAR**

#### **Board of Supervisors**

- 79) Action on Consent Calendar

### **PUBLIC COMMENT**

In accordance with County Code section 12.0101, any member of the public may address the Board on any matter not on the agenda that is within the subject matter jurisdiction of the Board.

### **DISCUSSION CALENDAR (cont'd)**

#### **Board of Supervisors**

- 80) Deferred Items
- 81) 1. Receive report from the Clerk of the Board regarding the number of applications received from qualified electors for appointment as Third District Member of the Board of Supervisors.
2. Reconsider the process for selection of the Third District Member of the Board of Supervisors approved on November 13, 2018 and, if necessary, approve changes as needed.
- (Presenter: Robert A. Lovingood, Chairman and First District Supervisor, 387-4830)

#### **Sheriff**

- 82) 1. Conduct a public forum in accordance with Government Code Section 7283.1, subdivision (d).
2. Receive a report from the Sheriff/Coroner/Public Administrator Department regarding its interaction and communications with United States Immigration and Customs Enforcement in 2017.
3. Receive a report from the Probation Department regarding its interaction and communications with United States Immigration and Customs Enforcement in 2017.
4. Receive public comment.
- (Presenter: John Ades, Captain, 387-0640)

### **INDIVIDUAL BOARD MEMBER COMMENTS (5 Minutes)**

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE ABOVE PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE BOARD OF SUPERVISORS AT, OR PRIOR TO, THE PUBLIC HEARING.

DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, TIME RESTRICTIONS MAY BE PLACED ON ORAL TESTIMONY REGARDING THE ABOVE PROPOSALS. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

**81**

December 4, 2018

**FROM: ROBERT A. LOVINGOOD, Chairman & First District Supervisor  
Board of Supervisors**

**SUBJECT: RECEIVE REPORT REGARDING APPLICATIONS FOR THIRD DISTRICT  
SUPERVISOR AND RECONSIDER SELECTION PROCESS**

**RECOMMENDATION(S)**

1. Receive report from the Clerk of the Board regarding the number of applications received from qualified electors for appointment as Third District Member of the Board of Supervisors.
2. Reconsider the process for selection of the Third District Member of the Board of Supervisors approved on November 13, 2018 and, if necessary, approve changes as needed.

(Presenter: Robert A. Lovingood, Chairman and First District Supervisor, 387-4830)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS AND OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**FINANCIAL IMPACT**

Not applicable.

**BACKGROUND INFORMATION**

The Board of Supervisors (Board) has been informed that on December 3, 2018, James Ramos took the oath of office as a member of the California State Assembly - 40<sup>th</sup> District resulting in a vacancy in the Third District Supervisor's office. Pursuant to the San Bernardino County Charter (Charter), a vacancy in the office of Supervisor shall be filled by appointment by majority vote of the remaining members of the Board from amongst qualified electors of the Supervisorial District in which such vacancy exists. In addition, the Charter, Article 1, Section 7, provides that: "In the event the Board of Supervisors shall not appoint to fill a vacancy within a 30-day period, such appointment shall be made by the Governor." The Charter is silent as to any process to fill the vacancy. For example, the Board could merely appoint a successor to the Third District Supervisor without extensive process.

Considering that the vacancy in the Third Supervisorial District occurred as of December 3, 2018, the Board must act to fill that vacancy on or before January 2, 2019. Taking into account the upcoming holidays, including days that the County is officially closed for business, the timeline within which to fill the vacancy is actually less than 30 calendar days and is extremely tight. The Charter does not establish or provide guidance on a selection process, but the Board's actions

Page 1 of 2

RECEIVE REPORT REGARDING APPLICATIONS FOR THIRD DISTRICT  
SUPERVISOR AND RECONSIDER SELECTION PROCESS  
DECEMBER 4, 2018  
PAGE 2 OF 2

81

are restricted by open meeting law requirements of the Brown Act. On November 13, 2018 (Item No. 1), the Board established a procedure for the filling of the anticipated Third District vacancy based upon the process used by previous Boards to fill prior Board vacancies. The prior uses of such a process by prior Boards was not subject to the same time pressures of the just-completed election cycle and the upcoming 2018 holiday schedule. The approved process includes an application period followed by interviews of applicants prior to making a selection.

Should the Board fail to name a successor prior to the January 2, 2019 deadline, the Governor would be required under the Charter and state law to make the selection. However, there is no statutory deadline within which the Governor must appoint to fill a vacancy. Without a firm deadline, it is likely that a long delay could occur resulting in the County operating with only four Board members for a significant period of time. This could affect County decision-making and business. Based upon the number of applications received and the extremely short timeline to make a selection in order to avoid invoking the Charter provision that would hand the process to the Governor, the Board may wish to reconsider, and modify, the selection process at this time.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Michelle D. Blakemore, 387-5455) on November 28, 2018; Finance (Stephenie Shea, Administrative Analyst, 387-4919) on November 28, 2018; and County Finance and Administration (Katrina Turturro, Deputy Executive Officer, 387-5423) on November 28, 2018.

**EXHIBIT G**

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**



December 11, 2018

**FROM: ROBERT A. LOVINGOOD, Chairman & First District Supervisor  
Board of Supervisors**

**SUBJECT: SPECIAL MEETING FOR INTERVIEWS OF QUALIFIED APPLICANTS FOR  
SELECTION OF THIRD DISTRICT SUPERVISOR**

**RECOMMENDATION(S)**

1. Conduct public interviews of applicants qualified for appointment as Third District Member of the Board of Supervisors.
2. Conduct deliberations in open session.
3. Select the Third District Member of the Board of Supervisors.

(Presenter: Robert A. Lovingood, Chairman and First District Supervisor, 387-4830)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS AND OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost).

**BACKGROUND INFORMATION**

Third District Supervisor James Ramos has resigned and taken the oath of office at the California State Assembly - 40<sup>th</sup> District, resulting in a vacancy in the Third District Supervisor's office. The San Bernardino County Charter (Charter), Article 1, Section 7, provides that a vacancy in the office of Supervisor will be filled by appointment by majority vote of the remaining members of the Board of Supervisors (Board) from amongst qualified electors of the Supervisorial District in which such vacancy exists.

On November 13, 2018, and on December 4, 2018, the Board approved and then modified an application and selection process designed to provide an opportunity for qualified electors of the Third District to be considered for appointment (Items No. 1 and Item No. 81, respectively) within the time constraints of the Charter and the 2018 holiday schedule. On December 4, 2018, the Clerk of the Board reported that applications from 48 qualified electors had been received. A list of the names of these 48 qualified electors is attached as "Attachment A".



**SPECIAL MEETING FOR INTERVIEWS AND SELECTION OF THIRD  
DISTRICT SUPERVISOR  
DECEMBER 11, 2018  
PAGE 2 OF 4**



Following the modified process approved on December 4, 2018, the applicants to be interviewed by the Board on December 11, 2018, and possibly at a special meeting on December 13, 2018, will be determined on Monday, December 10, 2018. The modified process also requires the eligible applicants to submit a Supplemental Questionnaire to the Clerk of the Board by noon on Friday, December 7, 2018. The Board will conduct interviews and deliberations and select the Third District Supervisor.

On Friday, December 7, 2018, 43 applicants submitted the required Supplemental Questionnaire by the noon deadline. In accordance with the modified process, nominations were made, which resulted in 13 nominees to be interviewed starting on December 11, 2018. A list of the names of these 13 nominees is attached as "Attachment B".

**PROCUREMENT**

None.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Michelle D. Blakemore, 387-5455) on December 7, 2018; Finance (Stephenie Shea, Administrative Analyst, 387-4919) on December 7, 2018; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on December 7, 2018.



## ATTACHMENT A

### THIRD DISTRICT SUPERVISOR APPLICANTS

	Name		Name
1.	Kaisar Ahmed	30.	Kenneth W. Lussier
2.	Damon L. Alexander	31.	Chris Mann
3.	Jim Bagley	32.	Eugene Melville
4.	Greg Bogh	33.	Treasure Ortiz
5.	Tobin Brinker	34.	Cristina Puraci
6.	Matthew Campos	35.	David Radtke
7.	Christopher M. Carrillo	36.	Heather Regan
8.	Libbern Cook	37.	Rhodes L. Rigsby
9.	Ronald Dailey	38.	Jack P. Roberts
10.	R. Carey Davis ( <i>Richard C. Davis</i> )	39.	Sylvia A. Robles
11.	Neiland K. Derry	40.	Dawn Rowe
12.	William Emmerson	41.	Mike Saifie ( <i>Mahmood Asghar Saifie</i> )
13.	William R. Fawke	42.	Mario Saucedo
14.	James P. Ferraris	43.	Eddie Tejada
15.	Sean M. Flynn	44.	Judith Valles ( <i>Judith Valles-Smith</i> )
16.	Neil Gericke	45.	Kristin Washington
17.	James G. Glass	46.	Eric Whedbee
18.	Rosa E. Gomez	47.	Renea Wickman
19.	Kristin (Kris) Goodfellow	48.	Robert D. Wilson
20.	Julie Hackbarth-McIntyre		
21.	Brian Hairston		
22.	Dennis L. Hansberger		
23.	T. Milford Harrison		
24.	Richard T. Herrick		
25.	Karen Ickes		
26.	Jody L. Isenberg		
27.	William E. Jahn		
28.	Janice Leja		
29.	John Longville		



**ATTACHMENT B**

**THIRD DISTRICT SUPERVISOR NOMINEES**

	<b>Name</b>
1.	Jim Bagley
2.	Tobin Brinker
3.	Ronald Dailey
4.	R. Carey Davis ( <i>Richard C. Davis</i> )
5.	William Emmerson
6.	Sean M. Flynn
7.	Julie Hackbarth-McIntyre
8.	Dennis L. Hansberger
9.	William E. Jahn
10.	Janice Leja
11.	Chris Mann
12.	Rhodes L. Rigsby
13.	Dawn Rowe

**EXHIBIT H**



Samuel Sukaton &lt;samuel@ieunited.org&gt;

**BOS D3 vacancy**

3 messages

Samuel Sukaton &lt;samuel@ieunited.org&gt;

Wed, Dec 12, 2018 at 12:31 PM

To: dwert@sbccounty.gov

David,

Samuel here; we spoke earlier this morning regarding the BOS D3 appointment. I appreciate your help and insight into the situation. I'm writing to follow up on the documents you mentioned were available. I'm requesting:

1. Copies of interview questions and applications
2. Copies of any supplement questions sent to applicants
3. Meeting minutes and agendas for any meeting where the D3 vacancy was discussed
4. Any notes about the hiring process and the "top 10" lists and tallies sent to the clerk of the board by the Supervisors
5. Any other meeting materials, notes, or notifications involving the D3 vacancy or any meeting where the D3 vacancy was discussed.

Thank you again!

Respectfully,

Samuel

--  
Samuel P. Sukaton  
Data and Special Projects Manager  
IE United  
(909) 499-6855  
samuel@ieunited.org

Wert, David (CAO) &lt;dwert@cao.sbccounty.gov&gt;

Thu, Dec 13, 2018 at 9:32 AM

To: Samuel Sukaton &lt;samuel@ieunited.org&gt;

Hi Samuel,

The following and attached are all of the materials you requested that I have in my possession:

Attached is the application, applicant questionnaire, and 12/10/18 tally sheet resulting from the process adopted by the board on 12/4/18.

This link, <http://cob-sire.sbcounty.gov/sirepub/>, will take you to agendas, minutes, and backup materials for the meetings at which the vacancy was discussed. The vacancy was discussed at the meetings of 11/13/18, 12/4/18, 12/11/18 and 12/13/18.

Notices of board meetings and actions were published on CountyWire at <http://wp.sbcounty.gov/cao/countywire/>. CountyWire is a standalone county government news site and is also the central feature of the county's internet homepage, [www.sbcounty.gov](http://www.sbcounty.gov).

If there are other things you need or want, please let me know and I will round them up for you.

Thanks,

David

**David Wert**

**Public Information Officer**

County of San Bernardino, California  
Phone: 909-387-4842

385 N. Arrowhead Ave., Fifth Floor  
San Bernardino CA 92415-0120



*Our job is to create a county in which those who reside and invest can prosper and achieve well-being.*

[www.SBCounty.gov](http://www.SBCounty.gov)






**From:** Samuel Sukaton [mailto:samuel@ieunited.org]  
**Sent:** Wednesday, December 12, 2018 12:31 PM  
**To:** Wert, David (CAO) <dwert@cao.sbcounty.gov>  
**Subject:** BOS D3 vacancy

[Quoted text hidden]

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**3 attachments**

-  **12042018-Questionnaire 3rd District Board Vacancy.pdf**  
34K
-  **3rd District Supervisor Applicants-tallies.pdf**  
439K
-  **23167991213201808563471.PDF**  
99K

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**Samuel Sukaton** <samuel@ieunited.org>  
To: dwert@cao.sbcounty.gov

Thu, Dec 13, 2018 at 10:11 AM

David,

This is incredibly helpful, thank you!

Did the supervisors take any notes on the applicants in the nomination process? That is, when they looked over the 45 completed applications and narrowed to 13?  
Could I get copies of those as well?

[Quoted text hidden]

COPY

THIRD DISTRICT SUPERVISOR APPLICANTS

	Name	Tally		Name	Tally
1.	Kaisar Ahmed		30.	Kenneth W. Lussier	
2.	Damon L. Alexander	No response	31.	Chris Mann	
3.	Jim Bagley		32.	Eugene Melville	
4.	Greg Bogh		33.	Treasure Ortiz	
5.	Tobin Brinker		34.	Cristina Puraci	
6.	Matthew Campos		35.	David Radtke	
7.	Christopher M. Carrillo		36.	Heather Regan	
8.	Libbern Cook		37.	Rhodes L. Rigsby	)
9.	Ronald Dailey		38.	Jack P. Roberts	
10.	R. Carey Davis (Richard C. Davis)		39.	Sylvia A. Robles	
11.	Neiland K. Derry		40.	Dawn Rowe	)
12.	William Emmerson		41.	Mike Saifie (Mahmood Asghar Saifie)	
13.	William R. Fawke		42.	Mario Saucedo	
14.	James P. Ferraris		43.	Eddie Tejada	
15.	Sean M. Flynn		44.	Judith Valles (Judith Valles-Smith)	
16.	Neil Gericke		45.	Kristin Washington	No response
17.	James G. Glass		46.	Eric Whedbee	No response
18.	Rosa E. Gomez		47.	Renea Wickman	
19.	Kristin (Kris) Goodfellow		48.	Robert D. Wilson	
20.	Julie Hackbarth-McIntyre				
21.	Brian Hairston	No response			
22.	Dennis L. Hansberger				
23.	T. Milford Harrison				
24.	Richard T. Herrick				
25.	Karen Ickes				
26.	Jody L. Isenberg	No response			
27.	William E. Jahn	)			
28.	Janice Leja				
29.	John Longville				

*Sara H. Welch*  
12/10/18



RUTH MUSSER-LOPEZ  
420 E Street  
Needles, CA 92363

December 11, 2018

Robert A. Lovingood, Chairman First District Supervisor  
Janice Rutherford, Second District Supervisor  
Curt Hagman, Vice Chairman, Fourth District Supervisor  
Josie Gonzales, Fifth District Supervisor  
c/o Clerk of the San Bernardino County Board of Supervisors  
385 N. Arrowhead  
San Bernardino, CA 92415

**DELIVERED VIA EMAIL TO THE CLERK OF THE BOARD**

**RE: Complaint of Violation of the Ralph M. Brown Act by the San Bernardino County Board of Supervisors (Individually and collectively), Robert A. Lovingood, Janice Rutherford, Curt Hagman, Josie Gonzales; Demand for Civil Remedies.**

To the San Bernardino County Board of Supervisors, Robert A. Lovingood, Janice Rutherford, Curt Hagman, Josie Gonzales:

The San Bernardino County Board of Supervisors is subject to the Ralph M. Brown act codified in Gov. Code, § 54950 et seq.

On December 10 - 11, 2018, you the members of the County Board of Supervisors in concert and individually violated the Ralph M. Brown Act specifically CA Gov. Code, § 54953.5 when you did cast preliminary votes secretly, without a process agreed upon by the public and without publicly disclosing the votes of the individual supervisors to the public. The language of the law is very clear: *"All votes, except for those cast in permissible closed session, must be cast in public. No secret ballots, whether preliminary or final, are permitted."* On December 11, 2018, during public comment period of the item on the agenda, I cited the Brown Act in objecting to your elimination process and illegal polling of the members of the Board of Supervisors (secret ballots outside of a noticed meeting) constituting a prohibited meeting.

The fact of the prohibited voting by secret ballot is shown in Exhibit A (attached hereto and incorporated by reference) a copy of the "San Bernardino County Wire" published December 10, 2018, titled "Board narrows Third District appointment field to 13 Interviews tomorrow" The article states *"Members of the Board of Supervisors today selected 13 applicants as finalists for possible appointment to the Third District seat on the board. The following 13 people were invited to be available for public interviews during a special Board of Supervisors meeting for at 9 a.m. tomorrow after receiving support for advancement from two or more board members:" [names of applicants receiving two or more votes from each board member]..."The county began the appointment process on Nov. 16 in anticipation of Supervisor Ramos' departure by inviting qualified third District residents to apply for the appointment, 48 of whom responded. **Board members submitted their top selections to the Clerk of the Board of supervisors this morning, and 13 received support from two or more board members, qualifying them as finalists.**" (emphasis added to show the pertinent evidence of illegal secret ballots and voting).*

In casting votes outside of a public, properly noticed meeting, you, the named members of the San Bernardino County Board of Supervisors did deprive the public of information which you knew or had reason to know the public was entitled to receive, namely: 1) the vote count on the December 10, 2018 preliminary vote including who voted for whom; 2) the speech of the applicants who were not allowed to participate due to an unnoticed or wrongly noticed vote on December 10, 2018, intending to eliminate applicants in secret outside of the public forum.

The Brown Act punishes attendance by a member of a body at a meeting where action is taken in violation of the Act, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled (§ 54959). The purpose of the serial meeting prohibition is not to prevent citizens from communicating with their elected representatives, but rather to prevent public bodies from circumventing the requirement for open and public deliberation of issues.

The preliminary vote and the vote count was taken secretly on December 10, 2018, in what constitutes an illegal "serial meeting." Without the serial meeting, without the preliminary voting in secret on December 10, 2018, the Board members would not have been able to reduce the applicants to thirteen outside of the public forum. Illegally reducing the applicants outside of a public forum did something else of wrongful consequence. The consequence was that staff and the Supervisors knew had preliminary information as to how the other voting members would vote the next day, thus influencing their vote.

On December 11, 2018, while the "short-list" of candidates were being interviewed, a staff member privately reported to the press the names of several candidates who had received a unanimous four votes on the prior day. The information concerning the vote count was not made public. (See Declaration of Ruth Musser-Lopez on December 11, 2018).

The fix was in, the public was left out of the selection process, some applicants were not invited to address the Board and were not allowed equal time, and due to the illegal polling, Board members knew which applicants were "winning" prior to their vote. The consequence of a Board member knowing in advance which applicants were preferred by the other members had the potential of wrongfully influencing their vote without public knowledge or intervention.

The Act specifically prohibits any use of direct communication, personal intermediaries or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken. (§ 54952.2(b).)

On December 10, the public was denied the right to address the Board of Supervisors prior to votes being cast; they were also denied the right to comment concerning the method or process of eliminating some applicants. The public was not allowed to comment prior to secret ballots being cast by the members of the Board to the Clerk of the Board of Supervisors which voting constitutes an illegal serial meeting. While the public was allowed a short (less than 3 minutes) opportunity for comment on December 11, 2018 at a noticed meeting, after a vote was taken reducing the thirteen unlawful candidates to five candidates, the public was notified that a "continued" meeting would be held at which the public would not be able to comment. The Brown Act states that matters properly placed on the agenda for the original meeting may be considered at the subsequent meeting (§ 54954.2(b)(3)), however the matter was not properly placed on the agenda for the December 11, 2018 meeting because of 1) the illegal secret ballots eliminating some legitimate applicants, and 2) because the public was never provided an opportunity to support or oppose the legitimate applicants who were eliminated.

Further, the item being placed on the agenda for a special meeting on December 13, 2018, is a new item, not previously considered. In California, we have a primary and general. We don't deny the people the right to comment on the candidates in the general election just because they had a voice in the primary election. The same situation applies here. You have a new slate of candidates constituting a new agenda item. The public should have a voice in who gets to be elected out of that slate. Please pay attention to the regulations and case law:

As per Chapter IV. Section 2. "Special Meetings" (Lockyer 2003):

*"Under the Act, the presiding officer or a majority of the body may call a special meeting. So long as substantive consideration of agenda items does not occur, a majority may meet without providing notice to the public in order to call the meeting and prepare the agenda. (216 Sutter Bay Associates v. County of Sutter (1997) 58 Cal.App.4th 860, 881-882.) Notice of a special meeting must be provided 24 hours in advance of the meeting to all of the legislative body members and to all media outlets who have requested notification. (§ 54956; 53 Ops.Cal.Atty.Gen. 245, 246 (1970).) The notice also must be posted at least 24 hours prior to the meeting in a location freely accessible to the public. The notice should indicate that the meeting is being called as a special meeting, and shall state the time, place, and business to be transacted at the meeting. No other business shall be considered at the special meeting. Notice is required even if the meeting is conducted in closed session, and, even if no action is taken. A member of the local body may waive failure to receive notice of the meeting by filing a written waiver prior to the meeting or by being present at the meeting.*

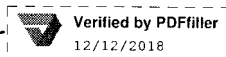
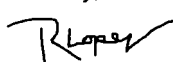
*"At every special meeting, the legislative body shall provide the public with an opportunity to address the body on any item described in the notice before or during consideration of that item. (§ 54954.3(a).) The special meeting notice shall describe the public's rights to so comment. (§ 54954.3(a).)"*

In *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, 105, the court concluded that a series of individual telephone calls between the agency attorney and the members of the body constituted a meeting. In that case, the attorney individually polled the members of the body for their approval on a real estate transaction. The court concluded that even though the meeting was conducted in a serial fashion, it nevertheless was a meeting for the purposes of the Act. (See also, 65 Ops.Cal.Atty.Gen. 63, 66 (1982); 63 Ops.Cal.Atty.Gen. 820, 828-829 (1980).)

At this time, I, Ruth Musser-Lopez am a resident of San Bernardino County and am demanding relief, that you collectively as the Board of Supervisors void the action you have taken in violation of the act, namely: 1) void the December 11, 2018 vote on a replacement for the 3rd District Supervisor position; 2) void any other serial votes by members of the Board of Supervisors on December 10 and 11, 2018 and that to be voted on December 13, 2018 pertaining to the selection of a replacement Supervisor for the 3rd District; 3) in the future provide the opportunity for public comment every time a new slate of candidates is proposed. This demand is made as per Ch. VII 54960; 54960.1 "Individuals or the district attorney may file civil lawsuits for injunctive, mandatory or declaratory relief, or to void action taken in violation of the Act."

My further claim for relief is that the Board of Supervisors provide an opportunity for all applicants be invited to give a speech and allowed the same amount of time provided the unlawful slate of 13 candidates that were improperly selected by serial voting and secret ballots on December 10, 2018.

Submitted by,



Ruth Musser-Lopez  
San Bernardino County

**NOTE TO CLERK OF THE BOARD: PLEASE DISTRIBUTE TO ALL SUPERVISORS AND MAKE AVAILABLE TO THE PUBLIC BY INCLUDING IT IN THE PACKET FOR 12/13/2018 SPECIAL MEETING.**

**mdaly001@gmail.com**

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**From:** T Prince <tprince@tprincelaw.com>  
**Sent:** Thursday, December 13, 2018 1:27 PM  
**To:** samuel@ieunited.org; Michael Gomez Daly  
**Subject:** Fwd: Agenda Item Brown Act Violation Demand to Cure and Correct

Timothy P. Prince, Esq.  
Tomlinson & Prince, L.L.P.  
255 North D Street, Suite 401  
Mailing Address: P.O. Box 66  
San Bernardino, CA 92402  
(909) 888-1000  
[www.tprincelaw.com](http://www.tprincelaw.com)

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

**From:** Ruth Musser-Lopez <[ruthmusserlopez@gmail.com](mailto:ruthmusserlopez@gmail.com)>  
**Date:** Thu, Dec 13, 2018 at 8:09 AM  
**Subject:** Agenda Item Brown Act Violation Demand to Cure and Correct  
**To:** <[COB@sbcounty.gov](mailto:COB@sbcounty.gov)>  
**Cc:** Ruth Musser-Lopez <[ruthmusserlopez@gmail.com](mailto:ruthmusserlopez@gmail.com)>, T Prince <[tprince@tprincelaw.com](mailto:tprince@tprincelaw.com)>, John D Coffey JD <[johnd.coffeyjd@gmail.com](mailto:johnd.coffeyjd@gmail.com)>

To: San Bernardino County Board of Supervisors, Members Robert A. Lovingood, Curt Hagman, Josie Gonzales, Janice Rutherford.  
c/o Clerk of the Board.

Once again, I am asking that you, the members of the San Bernardino County Board of Supervisors (hereafter "Board"), cure or correct the illegal secret voting and serial meeting you held on December 10, 2018, in a prohibited process to fill the 3rd District Board seat in violation of the Ralph M. Brown Act, Government Code § 54954.2 (b), the prohibition against serial meetings, and Government Code § 54953(c), the prohibition against casting votes in secret outside of a noticed meeting.

At the prohibited (unnoticed) meeting on December 10, you communicated in concert through the Clerk of the Board your preliminary votes for the position of 3rd District Supervisor. You then received this information and had foreknowledge as to who each other voted for. This process was objected to by board member, Josie Gonzales, who as a result of your illegal action was denied the right to hear the speech of 35 candidates at the meeting. The public was also denied the right of information as to who each of you voted for and the public was not provided an opportunity to even comment on this new prohibited process that you came up with and voted for (3-1) at the regular meeting on December 4, 2018.

I would be satisfied with a cure and correct that 1) is prior to the vote that is scheduled for today (12-13-2018) at 10:00 a.m., that 2) would void the secret vote on December 10, 2018 and 3) which would allow the equal processing of all 48 applicants with equal time to give their speech to the board before the Board voting to make their decision as to the filling of the vacant seat of 3rd District Supervisor.

As you know, people of color were left out of consideration. Only white people, mostly men, of the majority class are being considered for the position. People of color were eliminated as a result of your illegal narrowing process. This is a violation of our constitutional rights to fair treatment and equal representation, is harassing and damaging, among other really sad discriminatory acts.

Submitted by,  
-signed-  
Ruth Musser-Lopez

CONSOLIDATED AGENDA FOR THE  
SAN BERNARDINO COUNTY BOARD OF SUPERVISORS MEETING

**Tuesday, December 18, 2018**

**ROBERT A. LOVINGOOD  
CHAIRMAN**

First District Supervisor



**CURT HAGMAN  
VICE CHAIRMAN**

Fourth District Supervisor

**JANICE RUTHERFORD**  
Second District Supervisor

**VACANT**  
Third District Supervisor

**JOSIE GONZALES**  
Fifth District Supervisor

**Chief Executive Officer**  
Gary McBride

**County Counsel**  
Michelle D. Blakemore

**Clerk of the Board**  
Laura H. Welch

This is a consolidated agenda for the scheduled meeting of the San Bernardino County Board of Supervisors, also sitting as the Governing Board of the following: Successor Agency to the County of San Bernardino Redevelopment Agency; County Industrial Development Authority; Housing Authority of the County of San Bernardino; In-Home Supportive Services Public Authority; Inland Counties Emergency Medical Agency; County Flood Control District; Board Governed County Service Areas; Inland Empire Public Facilities Corporation; San Bernardino County Financing Authority; San Bernardino County Fire Protection District; Big Bear Valley and Bloomington Recreation and Park Districts.

This consolidated agenda contains a brief description of each item of business to be considered at today's meeting. In accordance with the Ralph M. Brown Act, this meeting agenda is posted at least 72 hours prior to the regularly scheduled meeting on the official Board of Supervisors Bulletin Boards outside of the County Government Center, 385 North Arrowhead Avenue, San Bernardino, CA, the Bob Burke Joshua Tree Government Center, 63665 Twentynine Palms Highway, Joshua Tree, CA 92252 and the Jerry Lewis High Desert Government Center, 15900 Smoke Tree Street, Hesperia, CA 92345. The agenda, its supporting documents and all writings received by the Board related to these items are public records and available for review during regular business hours at the Clerk of the Board of Supervisors office on the 2<sup>nd</sup> floor of the County Government Center. The agenda and its supporting documents, along with live and archived video of the meeting, can be viewed online at <http://www.sbcounty.gov/cob>. However, the online agenda may not include all available supporting documents or the most current version of documents.

Unless otherwise required by Federal, State, or local law or regulation, an act of the Board of Supervisors is valid and/or binding if a majority of all the members of the Board concur. Any exception to the majority vote requirement will be noted as part of the recommended action in the Board item (e.g., "Four votes required").

Items listed on the Consent Calendar are expected to be routine and non-controversial and, unless the Board directs that an item be held for further discussion, the entire Consent Calendar will be acted upon as the first item of business on the Discussion Calendar (entitled "Action on Consent Calendar"). If the Board directs that an item listed on the Consent Calendar be held for further discussion, the item will be addressed under "Deferred Items," the second item listed on the Discussion Calendar.

In accordance with County Code section 12.0101, members of the public may address the Board on any item on the agenda and on any matter that is within the Board's jurisdiction. To address the Board regarding an item on the agenda, complete and submit the yellow form entitled "Calendared Item – Request to Speak." To address the Board regarding an item within its jurisdiction but not on today's agenda, complete and submit the white "Public Comment – Request to Speak" form. Requests must be submitted to the Clerk of the Board before the item is called for consideration. If the speaker wants the Board to consider any documentation, eight copies of the documentation should be submitted with the request. Submitted documents will become part of the public record and will not be returned to the speaker. The Chairman will call speakers forward to present their comments at the appropriate time. When called, approach the podium and be prepared to speak. Speakers may address the Board for up to three (3) minutes total on the consent calendar, up to three (3) minutes on each discussion item, and up to three (3) minutes total on Public Comment, not to exceed a total of twelve (12) minutes for the meeting, unless it is determined that a

- b. Consider a proposed ordinance amending the County General Plan by changing the land use designation from Rural Living to General Commercial on 1.71 acres.
  - c. Make alterations, if necessary, to the proposed ordinance.
  - d. Approve introduction of the proposed ordinance.
  - e. Read title only of proposed ordinance amending the General Plan as the Third Cycle 2018 Land Use Element Amendment; waive reading of the entire text and adopt the ordinance.
  - f. Adopt a resolution amending the County General Plan as the Third Cycle 2018 Land Use Element Amendment.
  - g. Adopt the findings as recommended by the Planning Commission.
  - h. Approve the Conditional Use Permit to permit development of a 4,998 square foot convenience store and fueling station subject to conditions of approval.
  - i. Approve the Major Variance to reduce the front yard and street side landscape setbacks from 25 feet to 10 feet.
  - j. Direct the Clerk of the Board to file a Notice of Determination.
- (Presenter: Terri Rahhal, Director, 387-4431)

Board of Supervisors

- 102) 1. Rescind the December 10, 2018, establishment of an interview list of thirteen candidates for Third District Member of the Board of Supervisors.
2. Rescind the December 11, 2018, establishment of a finalist list of five candidates for Third District Member of the Board of Supervisors.
3. Amend the process for selection of the Third District Member of the Board of Supervisors approved on November 13, 2018, as revised on December 4, 2018.
4. Conduct deliberations in open session.
5. Select the Third District Member of the Board of Supervisors.
- (Presenter: Robert A. Lovingood, Chairman and First District Supervisor, 387-4830)

**INDIVIDUAL BOARD MEMBER COMMENTS (5 Minutes)**

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE ABOVE PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE BOARD OF SUPERVISORS AT, OR PRIOR TO, THE PUBLIC HEARING.

DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, TIME RESTRICTIONS MAY BE PLACED ON ORAL TESTIMONY REGARDING THE ABOVE PROPOSALS. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

THE BOARD OF SUPERVISORS MEETING FACILITY IS ACCESSIBLE TO PERSONS WITH DISABILITIES. IF ASSISTIVE LISTENING DEVICES OR OTHER AUXILIARY AIDS OR SERVICES ARE NEEDED IN ORDER TO PARTICIPATE IN THE PUBLIC MEETING, REQUESTS SHOULD BE MADE THROUGH THE CLERK OF THE BOARD AT LEAST THREE (3) BUSINESS DAYS PRIOR TO THE BOARD MEETING. THE CLERK'S TELEPHONE NUMBER IS (909) 387-3841 AND THE OFFICE IS LOCATED AT 385 NORTH ARROWHEAD AVENUE, 2<sup>ND</sup> FLOOR, SAN BERNARDINO, CA.

AGENDA AND SUPPORTING DOCUMENTATION IS AVAILABLE ON THE INTERNET: [WWW.SBCOUNTY.GOV/COB](http://WWW.SBCOUNTY.GOV/COB)

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**THE NEXT REGULAR MEETING OF THE BOARD OF SUPERVISORS IS SCHEDULED FOR TUESDAY, JANUARY 8, 2019 AT THE COUNTY GOVERNMENT CENTER, 385 NORTH ARROWHEAD AVENUE, SAN BERNARDINO WITH CLOSED SESSION BEGINNING AT 9:00 A.M. AND PUBLIC SESSION BEGINNING AT 10:00 A.M.**



# **EXHIBIT L**



**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

**102**

December 18, 2018

**FROM: ROBERT A. LOVINGOOD, Chairman & First District Supervisor  
Board of Supervisors**

**SUBJECT: SELECTION OF THIRD DISTRICT SUPERVISOR**

**RECOMMENDATION(S)**

1. Rescind the December 10, 2018, establishment of an interview list of thirteen candidates for Third District Member of the Board of Supervisors.
2. Rescind the December 11, 2018, establishment of a finalist list of five candidates for Third District Member of the Board of Supervisors.
3. Amend the process for selection of the Third District Member of the Board of Supervisors approved on November 13, 2018, as revised on December 4, 2018.
4. Conduct deliberations in open session.
5. Select the Third District Member of the Board of Supervisors.

(Presenter: Robert A. Lovingood, Chairman and First District Supervisor, 387-4830)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS AND OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost).

**BACKGROUND INFORMATION**

Third District Supervisor James Ramos has resigned and taken the oath of office at the California State Assembly - 40<sup>th</sup> District, resulting in a vacancy in the Third District Supervisor's office. The San Bernardino County Charter (Charter), Article 1, Section 7, provides that a vacancy in the office of Supervisor will be filled by appointment by majority vote of the remaining members of the Board of Supervisors (Board) from amongst qualified electors of the Supervisorial District in which such vacancy exists. The Charter further provides that the vacancy be filled by the Board within 30 days of the vacancy or the Governor makes the appointment to fill the vacancy. The Charter is silent as to any process to fill the vacancy. For example, the Board could merely appoint a successor to the Third District Supervisor without extensive process.

On November 13, 2018, and on December 4, 2018, the Board approved and then modified an application and selection process designed to provide an opportunity for qualified electors of the

Page 1 of 2

Third District to be considered for appointment (Items No. 1 and Item No. 81, respectively) within the time constraints of the Charter and the 2018 holiday schedule. On December 4, 2018, the Clerk of the Board reported that applications from 48 qualified electors had been received. A list of the names of these 48 qualified electors is attached as Attachment "A". Pursuant to the process, the applicants were asked to submit supplemental materials consisting of responses to questions and any additional supporting materials. A total of 43 of the applicants submitted information by the deadline on December 7, 2018. A list of the names of those applicants is attached as Attachment "B".

On December 11, 2018, following the modified process approved on December 4, 2018, the Board interviewed thirteen applicants, as identified on Attachment "C," and established a finalists list of five candidates to be considered for appointment to the vacancy of the Third Supervisorial District seat on the Board. On December 12 and December 13, 2018, the County received correspondence challenging the selection process for filling the vacancy and alleging procedural violations. Because of the limited time in which the Board of Supervisors may exercise its right to make an appointment to fill the Third District Supervisorial vacancy, a legal defense of the open and transparent process is not practical. Contesting the allegations may result in a forfeiture to the Governor of the Board's right to make the selection. Accordingly, the recommended actions set forth above will mitigate any alleged procedural errors and afford the Board of Supervisors the opportunity at this meeting to deliberate and select a candidate to fill the vacancy of the Third District Member of the Board of Supervisors. The recommended amendment to the selection process is for the Board to determine that for purposes of its deliberations and selection, it will rely on the 43 applications submitted to the County, the supplemental questionnaires submitted by candidates, any other documentation submitted by a candidate, and the testimony and comments presented by members of the public in open session of the Board of Supervisors meeting on December 11, 2018.

**PROCUREMENT**

None.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Michelle D. Blakemore, 387-5455) on December 13, 2018; Finance (Stephenie Shea, Administrative Analyst, 387-4919) on December 14, 2018; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on December 14, 2018.

## ATTACHMENT "A"

### THIRD DISTRICT SUPERVISOR APPLICANTS

	Name		Name
1.	Kaisar Ahmed	30.	Kenneth W. Lussier
2.	Damon L. Alexander	31.	Chris Mann
3.	Jim Bagley	32.	Eugene Melville
4.	Greg Bogh	33.	Treasure Ortiz
5.	Tobin Brinker	34.	Cristina Puraci
6.	Matthew Campos	35.	David Radtke
7.	Christopher M. Carrillo	36.	Heather Regan
8.	Libbern Cook	37.	Rhodes L. Rigsby
9.	Ronald Dailey	38.	Jack P. Roberts
10.	R. Carey Davis ( <i>Richard C. Davis</i> )	39.	Sylvia A. Robles
11.	Neiland K. Derry	40.	Dawn Rowe
12.	William Emmerson	41.	Mike Saifie ( <i>Mahmood Asghar Saifie</i> )
13.	William R. Fawke	42.	Mario Saucedo
14.	James P. Ferraris	43.	Eddie Tejada
15.	Sean M. Flynn	44.	Judith Valles ( <i>Judith Valles-Smith</i> )
16.	Neil Gericke	45.	Kristin Washington
17.	James G. Glass	46.	Eric Whedbee
18.	Rosa E. Gomez	47.	Renea Wickman
19.	Kristin (Kris) Goodfellow	48.	Robert D. Wilson
20.	Julie Hackbarth-McIntyre		
21.	Brian Hairston		
22.	Dennis L. Hansberger		
23.	T. Milford Harrison		
24.	Richard T. Herrick		
25.	Karen Ickes		
26.	Jody L. Isenberg		
27.	William E. Jahn		
28.	Janice Leja		
29.	John Longville		

## ATTACHMENT "B"

### THIRD DISTRICT SUPERVISOR APPLICANTS SUBMITTING SUPPLEMENTAL MATERIALS

	Name		Name
1.	Kaisar Ahmed	30.	Treasure Ortiz
2.	Jim Bagley	31.	Cristina Puraci
3.	Greg Bogh	32.	David Radtke
4.	Tobin Brinker	33.	Heather Regan
5.	Matthew Campos	34.	Rhodes L. Rigsby
6.	Christopher M. Carrillo	35.	Jack P. Roberts
7.	Libbern Cook	36.	Sylvia A. Robles
8.	Ronald Dailey	37.	Dawn Rowe
9.	R. Carey Davis ( <i>Richard C. Davis</i> )	38.	Mike Saifie ( <i>Mahmood Asghar Saifie</i> )
10.	Neiland K. Derry	39.	Mario Saucedo
11.	William Emmerson	40.	Eddie Tejeda
12.	William R. Fawke	41.	Judith Valles ( <i>Judith Valles-Smith</i> )
13.	James P. Ferraris	42.	Renea Wickman
14.	Sean M. Flynn	43.	Robert D. Wilson
15.	Neil Gericke		
16.	James G. Glass		
17.	Rosa E. Gomez		
18.	Kristin (Kris) Goodfellow		
19.	Julie Hackbarth-McIntyre		
20.	Dennis L. Hansberger		
21.	T. Milford Harrison		
22.	Richard T. Herrick		
23.	Karen Ickes		
24.	William E. Jahn		
25.	Janice Leja		
26.	John Longville		
27.	Kenneth W. Lussier		
28.	Chris Mann		
29.	Eugene Melville		

## ATTACHMENT "C"

### THIRD DISTRICT SUPERVISOR APPLICANTS SELECTED FOR INTERVIEWS

	Name		Name
1.	Jim Bagley		
2.	Tobin Brinker		
3.	Ronald Dailey		
4.	R. Carey Davis ( <i>Richard C. Davis</i> )		
5.	William Emmerson		
6.	Sean M. Flynn		
7.	Julie Hackbarth-McIntyre		
8.	Dennis L. Hansberger		
9.	William E. Jahn		
10.	Janice Leja		
11.	Chris Mann		
12.	Rhodes L. Rigsby		
13.	Dawn Rowe		