

October 16, 2017

Dear Supervisor Pacheco,

I am saddened to see that you scheduled a two-day “special” Board meeting at Harris Ranch on October 19 and 20, 2017. That said, I was pleased with your earlier and very reasonable approach to governance when you stated clearly at a May 16, 2017 Board hearing that you would not attend an out-of-town Board retreat. Below is a portion of a transcript of that hearing.

**Rousseau:** *You know, having gone through the strategic planning process, and I know you’ve gone through it, it really—it’s not really in a Board setting. We would go off on a retreat and get away and talk—bring a facilitator in and just talk vision: where do we want to be five years from now and so on. Then I—*

**Pacheco:** *I just want to tell you, our retreat’s going to be somewhere in the greater City of Fresno because I’m not going to go on a retreat.*

**Rousseau:** *OK.*

Then, later on at that same hearing:

**Pacheco:** *Alright, so the consent of the Board on the 20<sup>th</sup> [of June], we will finalize or fine tune our priorities and then some point after that then we’ll work on a half a day workshop in the local area to work on Supervisor Magsig’s vision and mission and those issues. Is that alright [speaking to Supervisor Magsig]?*

**Magsig:** *Yes....*

The Board’s May 16, 2017 decision to conduct a half-day workshop was reflected in the minutes for that hearing: “*The Board, by consensus, directed staff to return to the Board on June 20, 2017, with the Fresno County priorities. Staff is to provide an update on June 20, 2017, on the progress of a half-day workshop to discuss the guiding principles along with vision and mission statements for the County of Fresno.*”

But in lieu of having that half-day workshop, you authorized a two-day retreat at Harris Ranch near Coalinga. I learned of this from County Counsel Daniel Cederborg, who on July 11, 2017 emailed me saying, “*In this case, in response to the suggestions by certain board members, the chair has called the special meeting.*” As a result of your decision to change the direction given by the Board at its May 16 meeting, I will now need to travel 4 hours over two days to attend a Board meeting.

It appears to me that holding a two-day Board meeting at Harris Ranch is an unwarranted inconvenience, especially given the purpose of the meeting. If the Board is going to discuss the vision, mission statements and goals of its various County departments, I would think you would want your department heads to be in attendance – unless, of course, the County has decided to bear the expense of their travel to Harris Ranch.

Incidentally, you may not know of a request from Harris Farms with respect to the pending 5-year review and revision of the General Plan. A little less than a decade ago, Richard Watson, a Harris Farms representative, asked the County to add a placeholder in the pending revision of the General Plan for the establishment of new towns in Fresno County. That dialogue occurred July 22, 2008 at a joint workshop of the Board of Supervisors and Planning Commission. Below is what Mr. Watson requested of the Board and Planning Commission:

**Watson:** *Richard Watson, representing Harris Farms. I wanted to talk a little bit about — There's a reference on page 4 of the agenda item [staff report] to — providing provision for a placeholder for the strategic farmland model. I'd like to request that at least a placeholder for a concept of planned urban communities or **new towns** also to be included. This would be consistent with the urban-centered growth theme that's in the current plan and consistent with other elements of the plan. One of the reasons for requesting this is that a lot of us had hoped that the work of the Blueprint Round Table, both locally and at the valley-wide level would have been completed. The Fresno County Blueprint Round Table essentially deferred completion of its discussion of **new towns** until September [2008]. There was a little bit of discussion but the emphasis was really to make the deadline date that they had for making the submittal, and deferred in one way to the Valley-wide Blueprint.*

*The land use, housing and agriculture subcommittee of the partnership has a workgroup that's going to be meeting, essentially, next week to start discussions on the location and shape of **future development in the Valley** — and that includes **new towns** or planned urban communities. So I think it would be appropriate to have some sort of placeholder or direction to staff and consultant to provide a placeholder for this so that when this work is done, appropriate policies could be included in your General Plan. I think this would be—including planned urban communities in the GP—or in the General Plan, excuse me—would be consistent with the purpose of the plan to establish a framework to facilitate—responding effectively to problems and opportunities facing the county.*

*We know that we have a lot of people coming, and the issue is how to balance strategic farmland, areas of growth, infill in existing communities consistent with the infrastructure in those communities — sort of a combination, if you will, of smart growth and work that's going on now in the water quality arena of dealing with low-impact development. And so I think a planned-urban community or **a new town** could make a valuable contribution. So we request that you include that direction. Thank you.*

In light of the fact that the County is still in the process of completing that same 5-year review of the General Plan and in light of the fact that the Board has chosen to hold a meeting to discuss the “*Future of the County of Fresno*” at Harris Ranch, I strongly suggest that you ask County Counsel to open both sessions of the Board retreat with an explanation as to how the Ralph M. Brown Act applies to Board members' conduct at the retreat. County Counsel should explain to Board members (1) what can and cannot be discussed at the two retreat sessions and (2) the need to report out at the retreat the substance of any private communication (received or discussed) which bears on any item of County business or potential County business and which has occurred as the result of planning and/or attending the retreat.

Although the requirements of the Ralph M. Brown Act may seem inconvenient to some, I think you will agree that the act provides necessary protections. The first section of the act describes its purpose and expresses why its enactment was of such importance.

Gov. Code 54950. *In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

And, with respect to public meetings with posted agendas, Section 54954.2. (a)(3) of the Act explains the limitations placed on discussion and action.

*Gov. Code 54954.2. (a)(3). No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.*

In this regard, I trust you realize that the Board agenda for October 19/20 is, in one way, unacceptably non-specific. I'm referring to the agenda item's general heading, which reads, "*Reflections on the Future of the County of Fresno.*" Given such non-specificity, the public has no choice but to rely on the agenda's three subheadings, as well as on the accompanying 26-page attachment, to know that the topics for discussion will be these: (1) "Vision and Mission Statements," (2) "Guiding Principles" and (3) "Departmental Goals."

And although in recent months at various Board meetings, Board members have repeatedly expressed an interest in holding a workshop to discuss taking the County in a new direction when it comes to economic development and land use (including the use of tax incentives, the development of shovel-ready business parks and development opportunities, generally, along Interstate I-5 and State Routes 41, 99 and 180) to attract businesses to the Fresno region, I see that these matters are not listed anywhere on the agenda or in any part of the attachment. I conclude, therefore, that the Board will not be discussing such matters.

In closing, I ask that you please provide answers to the following three questions and send a reply care of the email address shown below.

1. Will the County audio record or video record the proceedings of the retreat?
2. Out of respect for those with limited hearing, can every speaker be provided a microphone?
3. How may I obtain copies of materials, other than the posted agenda, that pertain to the Board retreat and have already been distributed to Board Members or will be distributed to them at the retreat?

Thank you,



Radley Reep  
[radleyreep@netzero.com](mailto:radleyreep@netzero.com)  
(559) 326-6227