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VIA E-MAIL (clerkoftheboard@ventura.org)

November 9, 2020

Ventura County Board of Supervisors
Attn: Rosa Gonzalez, Chief Deputy Clerk of the Board
Hall of Administration Building, Fourth Floor
800 S. Victoria Ave.
Ventura, CA 93009-1940

Re: **California Resources Corporation Comments on Proposed Amendments to County Zoning Ordinance Regarding Oil and Gas Development (November 10, 2020 Board Meeting, Agenda Item No. 47)**

Dear Members of the Ventura County Board of Supervisors:

On behalf of California Resources Corporation ("CRC"), we write to express its deep concern regarding the County's proposed amendments to the Non-Coastal Zoning Ordinance ("NCZO") section 8107-5 and Coastal Zoning Ordinance ("CZO") section 8175-5.7 (collectively, "Zoning Ordinances"), which will unlawfully limit or eliminate all oil and gas activities in the County. The proposed amendments would require the issuance of a new Conditional Use Permit ("CUP"), or approval of a discretionary permit adjustment or modification, to authorize all new oil and gas development, including that proposed under long-term permits (disparagingly called "antiquated permits" by County staff), unless the proposed development is already specifically described as being authorized under an existing CUP. New development triggering the need for discretionary approval would include, but not be limited to, the installation of new wells, tanks and other oil field facilities, and the re-drilling or deepening of existing wells. Subjecting CUPs to discretionary approval will unlawfully impair the constitutionally protected vested property rights of the holders of such permits, and will subject the County to takings liability. Indeed, the proposed amendments contradict the County Counsel's own legal memorandum, in which it concluded that the County's "ability to impose new conditions on antiquated oilfield permits is ***very limited***." (2014 County Counsel Legal Memorandum (attached as Exhibit 19 to Letter to Board on Agenda Item #47 at p. 153 of PDF [Exhibit 2 to California Resource Corporation's July 29, 2020 Comment Letter], emphasis added.)

If approved, the amendments would have devastating impacts on an industry that has created jobs and supported the local economy for decades. The local oil and gas industry, directly and indirectly, provides jobs for 2,100 workers, and the economic activity generated by production is projected to support over 3,000 jobs by 2023.[1] Energy workers in the County are made up of veterans, second chancers, single parents, union members, and immigrants. But the County has turned its back on these essential workers and has instead moved ahead with zoning text amendments that will kill jobs and slash away millions of dollars in tax revenue. Indeed, the County has *admitted* that these will be the precise consequences of its actions:

> [T]he proposed zoning amendments could slow and/or reduce the potential expansion of new local oil and gas development, which in turn could have a ***negative economic impact on this economic sector and its employment base***, due to the increased permitting costs and uncertainty that would be associated with the proposed discretionary permitting and environmental review process that would be required for certain new oil and gas development.

(See Nov. 10, 2020 Ventura County Resource Management Agency Letter to Board of Supervisors ("Board Letter").) The County has further stated that "[b]ased on these ***potentially negative economic ramifications***, the proposed zoning ordinance amendments could be considered inconsistent with [economic policies].)[2] (*Id.*, emphasis added.)

Accordingly, CRC urges the Board of Supervisors to deny these job killing amendments and to reaffirm the longstanding interpretation of County Counsel that holders of such permits have vested rights in their continued operation that cannot be modified or revoked without due process of law.

1. The Proposed Amendments Interfere with CRC's Vested Rights.

Oil and gas producers operating under existing CUPs in the County have a vested right to continue those operations. But the proposed amendments to the Zoning

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[1] California Energy Workers, *Activists Disregard Vital Role Oil and Gas Plays in Ventura County Communities* (Feb. 18, 2019), available at: https://californiaenergyworkers.com/updates/activists-disredard-vital-role-oil-and-gas-plays-in-ventura/ (last accessed: Nov. 9, 2020).

[2] Specifically, the County has found that these zoning text amendments are potentially inconsistent with General Plan Policy EV-3.1, which focuses on retention of existing businesses, and Policy EV-3.3, which focuses on working to proactively retain and facilitate the expansion of firms in key industries.

Ordinances would violate the permit holders' vested and constitutionally protected rights to operate under those permits by requiring the issuance of a new CUP, or approval of a discretionary permit adjustment or modification, to authorize all new oil and gas development, including development proposed under long-term permits. According to the County, new development triggering the need for discretionary approval would include, but is not limited to, the installation of new wells, tanks, and other oil field activities, and the re-drilling or deepening of existing wells. The proposed amendments would also state that the County's current oil development design guidelines and operational standards uniformly apply to all oil and gas exploration and production operations. These proposals violate the established law of vested rights and will expose the County to substantial litigation.

a. CRC Has Acquired Vested Rights to the Continued Extraction of Mineral Resources.

CRC currently holds rights to several CUPs within the area subject to the Zoning Ordinances. These permits provide CRC with the right to drill new wells as needed for the continued extraction of the underlying mineral resource. The County has previously recognized that these types of "blanket" CUPs allow for the continued drilling of new wells on the property. (See, e.g., May 30, 1989 Letter from Ventura Resource Management Agency to Chase Production Company [attached as Exhibit 19 to Board Letter at p. 170 of PDF (Exhibit 3 to California Resources Corporation's July 29, 2020 Comment Letter)], noting that no permit modifications are needed for a proposed drilling program "based on the vested rights of the three 'blanket' Conditional Use Permits you currently hold".)

CRC and its predecessor have performed substantial work and incurred substantial liabilities in operating under its so-called "antiquated permits," investing in and installing infrastructure and equipment for the oil-producing properties at issue with the expectation that additional wells could be drilled. (See *Hansen Brothers Enter. v. Bd. of Supervisors* (1996) 12 Cal.4th 533 ["[t]he very nature and use of an extractive business contemplates the continuance of such use of the entire parcel of land as a whole, without limitation or restriction to the immediate area excavated at the time the ordinance was passed"].) As a result of CRC's operations in implementing the permitted use of drilling for and extraction of oil, gas, and other hydrocarbon substances, CRC has acquired a vested right under these permits to continue the construction authorized by these permits.

b. County Counsel's New Opinions regarding Vested Rights Contradict its Prior Statements and the Case Law.

Nevertheless, in direct contravention of applicable law, the County's staff report asserts that "a vested right only exists, and thus could only be unlawfully impaired, if a new governmental regulation would prevent the completion of construction or use of facilities that are specifically described and authorized in an existing County permit or other land use entitlement." (July 30, 2020 Planning Commission Staff Report for PL20-0052 at p. 8 [attached as Exhibit 2 to Board Letter].) County staff further contends that "antiquated permits do not typically have vested rights to engage in new oil and gas development because of the lack of specificity regarding the scope and composition of the authorized development found in most antiquated permits." (*Id*.)

The County cites no authority to support this novel interpretation of the vested rights doctrine – nor is there any.[3] Indeed, the County has already recognized that it cannot impair vested rights when the permit holder, such as CRC, has performed substantial work and invested substantial sums in furtherance of its CUPs:

> Many oil and gas facilities, however, operate pursuant to existing permits in which the permit holder possesses vested rights. ***The County's authority to modify these permits is limited by the vested rights doctrine. Rights "vest" (i.e., become protected) when the permit has been issued and the permit holder has invested substantial sums in furtherance of the authorized uses. Once permit rights vest, the permit holder has a property right in the permit as approved that cannot be modified by the County*** . . . without satisfying constitutional due process requirements. Hence, vested rights in existing permits cannot be unilaterally impaired by the County under its general land use authority.

(Dec. 15, 2015 Staff Report to Board of Supervisors [attached as Exhibit 19 to Board Letter at p. 151 of PDF], emphasis added; see also CRC's July 29, 2020 Comment Letter [attached as Exhibit 19 to Board Letter at p. 98 of PDF].)

To the extent the County intends to rely on *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 Cal.3d 785, as it has in the past, that

[3] To the extent the County contends that the zoning text amendments, by their own terms, would limit applicability of oil and gas guidelines and standards to operations where vested rights would not be impaired, that argument is unavailing given the County's blatant mischaracterization of the vested rights doctrine, as demonstrated by the statements in the County's agenda staff report. (July 30, 2020 Planning Commission Staff Report for PL20-0052 at p. 8 [attached as Exhibit 2 to Board Letter].)

decision is readily distinguishable. In *Avco*, a housing developer obtained tentative and final subdivision map approvals, and was in the process of constructing storm drains, improvements of utilities, and similar facilities for the subdivision tract. However, no building permits had been issued for vertical unit construction. (*Id*. at 789.) The court denied the developer a vested right to construct improvements, in part, because the approvals inadequately defined the scope of the project. (*Id*. at 793-794.)

Unlike *Avco*, oil and gas operations do not rely on permanent infrastructure. Wells and facilities must be relocated, re-drilled, and deepened across properties over time because oil and gas are diminishing assets. Each wellbore can only produce from a certain areal extent. Therefore, new penetrations are needed to access remaining oil reserves outside the drainage radius of these existing wells that will require new penetrations to access. Existing wellbores also lose their mechanical viability over time and need to be replaced.

Use permits confer vested rights, even in circumstances where subsequent approvals were required to build on the property. (*HPT IHG-2 Props. Tr. v. City of Anaheim* (2015) 243 Cal.App.4th 188, 210.) In *HPT IHG-2 Properties Trust*, the court found that when a Conditional Use Permit has been issued and the landowner relied on the permit, the landowner has a vested right. (*Id*.) Furthermore, the scope of vested rights is the scope of activity authorized under the permit. (*Santa Monica Pines, Ltd. v. Rent Control Bd.* (1984) 35 Cal.3d 858, 865.) "[I]t is well established that the rights which may 'vest' through reliance on a government permit are no greater than those specifically granted by the permit itself." (*Id*. at 866.) Here, the permits targeted by the County clearly grant the right to engage in oil and gas extraction within the parcels.

c. The Diminishing Asset Doctrine Allows for the Continued Extraction of Mineral Resources.

The California Supreme Court's decision in *Hansen Brothers Enterprises v. Board of Supervisors* provides an additional ground for a finding of vested rights in the context of mineral extraction. Mineral extraction *includes* the extraction of petroleum resources.[4] That decision does not impose any requirements that permits must have a certain level of specificity to give rise to vested rights.

In *Hansen Brothers*, the California Supreme Court recognized that mineral extraction anticipates expansion into areas not previously used. It held that

[4] The County's Initial Study Assessment Guidelines state that mineral resources include oil and gas deposits. (Ventura County Initial Study Assessment Guidelines, at pp. 4, 23, *available at*: https://docs.vcrma.org/images/pdf/planning/ceqa/current_ISAG.pdf [last accessed: Nov. 4, 2020].)

"progression of the mining or quarrying activity into other areas of the property is not necessarily a prohibited expansion or change of location of the nonconforming use." (*Hansen*, *supra*, 12 Cal.4th at 553.) As the Court explained, "[w]hen there is objective evidence of the owner's intent to expand a mining operation, and that intent existed at the time of the zoning change, the use may expand into the contemplated area." (*Ibid*.) Similarly, a permit that grants a right to drill and extract oil within a specifically defined property necessarily contemplates the continued drilling of new wells as part of that grant of authority. (*Oceanic Cal., Inc. v. N. Cent. Coast Reg'l Comm'n* (1976) 63 Cal.App.3d 57, 67 ["the scope of the development which the developer has a right to complete . . . is limited by the scope of the specific development theretofore approved and permitted"].)

d. The County Cannot Arbitrarily Rewrite CRC's Existing Permits.

Where a permit allows for the continued drilling for and extraction of oil, the County has no basis to impose new discretionary permit requirements for certain components of the previously permitted activity. As County Counsel itself recognized in its 2014 legal memorandum, "for purposes of analyzing the scope of a vested right to operate a business, a business cannot be broken down into components and vested rights recognized for less than the entire business operation." (2014 Legal Memorandum [attached as Exhibit 19 to Board Letter at p. 155 of PDF], quoting *Hansen Bros.*, *supra*, 12 Cal.4th at 566 [indicating that there is no "authority for refusing to recognize a vested right to continue a component of a business that itself has a vested right to continue using the land on which it is located for operation of the business"].) "When conditional use permit has been issued and then relied upon by the permitted, giving rise to a vested right, ***the permit becomes immunized from impairment and revocation by subsequent government action***." (*Id*. at p. 156 of PDF, emphasis added.)

Accordingly, where a permit allows for the continued drilling for extraction of oil, the operator can rely on its vested rights without having to obtain a new CUP. The County has no basis to impose new discretionary permit requirements for certain components of the previously permitted activity. The proposed modification of these permits to require additional discretionary permitting approval for all new oil and gas exploration and production operations is a clear violation of CRC's vested rights.

2. The County Engaged in Piecemeal Environmental Review by Failing to Analyze the Zoning Code Amendments in the General Plan Update

Under CEQA, an agency is generally prohibited from "segmenting" or "piecemealing" a project into separate parts to avoid full disclosure of environmental impacts. (See *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Commr's.* (2001) 91 Cal.App.4th 1344, 1358 ["There is no dispute that CEQA forbids 'piecemeal' review of

the significant environmental impacts of a project"].) Rather, CEQA mandates that "environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences." (*Bozung v. Local Agency Formation Comm'n* (1975) 13 Cal.3d 263, 283-84 [superseded by statute on separate grounds].)

Here, the County has impermissibly piecemealed its analysis in the Environmental Impact Report ("EIR") for the 2040 General Plan Update from the proposed amendments to the Zoning Codes. Like the proposed amendments to the Zoning Codes, the General Plan Update imposes significant restrictions on future oil operations within the County through a series of Oil and Gas Policies. These Policies include new setbacks, restrictions on permits, a prohibition on flaring, and a prohibition on trucking oil and produced water. The General Plan Update anticipates amendments to the existing Zoning Codes, yet the Final EIR failed to analyze the impacts of those amendments. (See *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.5th 1209, 1223 ["[T]here may be improper piecemealing when the reviewed project legally compels or practically presumes completion of another action"].)

As indicated by the County, the proposed amendments to the Zoning Codes are specifically formulated to implement the General Plan's Oil and Gas Policies. (Board Letter at p. 7 ["The proposed zoning ordinance amendments are consistent with, and would help to implement, the General Plan's vision statement, guiding principles, and numerous policies . . ."].) According to the County, the amendments "would provide for the consistent application of numerous important General Plan policies and County oil and gas regulations . . ." (*Id*. at pp. 8-9.) Thus, the General Plan Update works in tandem with the amendments to the Zoning Codes to drastically increase the impact of the Oil and Gas Policies. The County Resources Management Agency specifically recognized this in its recent letter to the Board of Supervisors:

> [T]he new 2040 General Plan Policies COS 7.2 (increasing minimum well setback distances from sensitive uses), 7.7 (requiring oil and produced water to be transported offsite by pipeline) and 7.8 (prohibiting flaring of produced gas) reduce the locations where, and types of, new oil production facilities that can be discretionarily permitted by the County. ***The proposed zoning amendments would make these new policies applicable to a broader range of proposed oil and gas development based on the new discretionary approval requirement for projects*** which, under the status quo, only requires a ministerial approval.

(*Id*. at p. 8, emphasis added.)

Accordingly, the failure to consider the combined impacts of the General Plan Update and proposed amendments to the Zoning Codes constitutes improper piecemealing of reasonably foreseeable approvals by the Board of Supervisors, which will significantly increase the impacts already caused to mineral resources as a result of implementing the General Plan Update. (*Banning Ranch*, *supra*, 211 Cal.App.5th at 1223.)

3. The Proposed Amendments are Subject to CEQA Review.

The County incorrectly contends that the proposed amendments to the Zoning Codes are exempt from CEQA review under CEQA Guidelines section 15308. This exemption applies if the regulatory process includes procedures for environmental protection. However, this argument fails to recognize or disclose that CEQA defines the "environment" to include mineral resources. (See Pub. Res. Code § 21060.5 [defining "environment" to include minerals].) The County's Initial Study Assessment Guidelines further recognize that "mineral resources" include petroleum.[5]

CEQA Guidelines Appendix G requires that the County conduct a CEQA analysis on any project that would "result in the loss of availability of a known mineral resource" or would "result in the loss of availability of a locally important mineral resource site delineated on a local general plan, specific plan, or other land use plan." By significantly limiting or eliminating oil and gas activities in the County, the proposed amendments to the Zoning Codes will have significant impacts on mineral resources.

In addition, the proposed amendments will have significant impacts on greenhouse gas emissions. These amendments will negatively impact the oil and gas industry in Ventura County resulting in reduced oil and gas production. As was determined during the Draft EIR prepared for the General Plan Update, a reduction in Ventura County crude oil production would result in an increased reliance on foreign oil imports from outside of Ventura County. (Draft EIR at p. 4.12-21.) California does not have any interstate pipelines that supply crude oil to the State from other states, and therefore must rely on foreign and Alaskan sources of oil that are transported by marine tankers. (*Id*.) Because the carbon intensity of Ventura oil is lower than imported oil, higher GHG emissions will result from the import of crude oil into California from outside of Ventura.[6] Still, this import will necessarily occur in order to make up for the

[5] Ventura County Initial Study Assessment Guidelines, at pp. 4, 23, *available at*: https://docs.vcrma.org/images/pdf/planning/ceqa/current_ISAG.pdf (last accessed: Nov. 4, 2020).

[6] See, e.g., California Environmental Protection Agency, Air Resources Board, Calculation of 2019 Crude Average Carbon Intensity Value (June 15, 2020) at pp. 3-8.

reduced local crude production associated with the proposed zoning ordinance amendments.

Accordingly, because the proposed amendments to the Zoning Codes will have potentially significant impacts on the environment, the CEQA exemption under Guidelines section 15308 does not apply. The County must analyze the significant impacts of the proposed amendments under CEQA.

4. The Proposed Modification of Existing Permits Violates County Procedures and Procedural and Substantive Due Process

The proposed amendments to the Zoning Codes have the direct effect of modifying existing permits. State and local law requires the County to provide notice and an opportunity to be heard prior to modifying a permit. (Gov. Code § 65905; NCZO § 8111-6.2; CZO § 8181-10.1(d).) In 2015, the County recognized that "permit modifications would require the provision of notice and a public hearing to each affected permit holder." (Dec. 15, 2015 Staff Report to Board of Supervisors [attached as Exhibit 19 to Board Letter at p. 151 of PDF].) The County further admitted that "vested rights in existing permits cannot be unilaterally impaired by the County under its general land use authority." (*Id*. at p. 150 of PDF.) "Instead, vested rights can only be impaired if the impairment resulting from the new permit conditions is reasonably necessary to address a menace to the public health and safety or a public nuisance presented by the permitted use." (*Id*.) As the County further recognized, "a vested right creates a property right in the permit holder which cannot be terminated or impaired by the imposition of new conditions *at all*, unless constitutional requirements addressing the permittee's rights of due process are met." (2014 County Counsel Legal Memorandum, (attached as Exhibit 19 to Board Letter at p. 155 of PDF [Exhibit 2 to California Resource Corporation's July 29, 2020 Comment Letter], emphasis in original, citing *Washington v. Glucksberg* (1997) 521 U.S. 702, 721-722; *Kerley Indus., Inc. v. Pima Cty.* (9th Cir. 1986) 785 F.2d 1444,1446.)

Here, there has been no attempt to provide proper notice to the permitholders, a quasi-judicial hearing for each affected permitholder, or any showing that these modifications are necessary to address a public nuisance or menace.

5. The Amendments Lack Clarity as to How They Will Be Applied to Existing Operations.

The Zoning Amendments provide that Section 8107-5 of the NCZO and 8175-5.7 of the CZO "shall apply to all oil and gas exploration and production operations." Further, the amendments provide that the oil development design guidelines and the operational standards shall be utilized to evaluate consistency of proposed development

and develop conditions of approval for new, adjusted or modified permits. Based on this language, it's impossible to determine whether the new restrictions imposed on oil and gas development will be used to constrain existing operations or whether they are only applicable to new operations. Accordingly, the proposed amendments to sections 8107-5 of the NCZO and 8175-5.7 of the CZO are impermissibly vague and violate CRC's due process rights. (*See*, e.g., *Zubarau v. City of Palmdale* (2011) 192 Cal.App.4th 289, 308 ["Where the terms of a zoning ordinance are so vague as to not give sufficient notice of what precisely is permitted or prohibited, this vagueness is a violation of due process"]; *Concerned Dog Owners of Cal. v. City of L.A.* (2011) 194 Cal.App.4th 1219, 1231-32 ["[T]he Fourteenth Amendment due process guarantee against vagueness, which requires the laws to provide adequate notice to people of ordinary intelligence of the conduct that is prohibited . . ."].)

6. Proceeding with the Public Hearing as Planned Will Violate the Brown Act

The requirements of the Brown Act apply to the Board of Supervisors meeting to be held on November 10, 2020. (Gov. Code § 54952.) Under the Brown Act, "[a]ll meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend," except as otherwise provided by the Act. (*Id*., § 54953.) It is the expressed intent of the Brown Act that the local legislative body both act and deliberate openly. (*Id*., § 54950; *Frazer v. Dixon Unified Sch. Dist*. (1993) 18 Cal.App.4th 781, 794 [the Brown Act applies to gatherings at which action is taken by the relevant legislative body as well as deliberative gatherings].)

As you know, the County and State are currently experiencing a public health emergency due to COVID-19. There have been over 15,048 cases of COVID-19 in Ventura County and approximately 169 deaths.[7] Unfortunately, COVID-19 cases and deaths are only continuing to climb in the County. As a result, the Hall of Administration has been closed to the public since July 20, 2020 and the County is only holding virtual public hearings.[8]

[7] Ventura County Recovers, County of Ventura COVID-19 Information, *available at*: https://www.venturacountyrecovers.org/ (last accessed: Nov. 4, 2020).

[8] County of Ventura, Board of Supervisors Meeting Agendas, *available at*: https://www.ventura.org/board-of-supervisors/agendas-documents-and-broadcasts/ (last accessed: Nov. 4, 2020); County of Ventura, Public Comments for Board of Supervisors' Meetings, *available at*: https://www.ventura.org/board-of-supervisors/agendas-documents-and-broadcasts/public-comments/ (last accessed: Nov. 4, 2020).

Not all residents of Ventura County have computers or access to the Internet. Approximately 8,000 residents in Ventura County do not have access to any wired internet.[9] Thus, many concerned citizens rely on in-person visits to governmental offices, which continue to be closed to the public. Because these citizens are unable to access the Internet or even computers, the Board is depriving them of the opportunity to attend the November 10 meeting. This deprivation constitutes a violation of the Brown Act, which specifically requires that all meetings of the Board of Supervisors be open and public, and all persons must be permitted to attend any such meeting. (Gov. Code § 54954.3(a).)

By only holding virtual meetings, the Board is further denying these members the benefit of providing comments during the November 1 meeting, and as such, the Board will fail to consider critical comments on the proposed amendments. This also constitutes a violation of the Brown Act, which provides that the public must have the opportunity to understand and comment upon the items up for deliberation. (Gov. Code § 54954.3.)

Further, the Brown Act prohibits requiring registration to attend a public meeting. As discussed above, no in-person participation is available, the Hall of Administration is closed to the public, and the public can only attend the November 10 meeting virtually. However, none of the provided options for submitting comments are sufficient. To comment via Zoom, a participant is required to register online by providing his or her name, email address, and the phone number they will be calling in from.[10] The participant will then receive an email with the Zoom meeting video link and password by 6:00 p.m. the day before the Board meeting.[11] Comments made while watching the livestream are only read at the "discretion of the chair," which is not an adequate substitute for full and open participation.[12] The Board has not provided the necessary clarity required by the Brown Act, given that registration cannot be required to attend a meeting:

> A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register

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[9] Broadbandnow, Internet Providers in Ventura, California, *available at*: https://broadbandnow.com/California/Ventura (last accessed: Nov. 4, 2020).

[10] County of Ventura, Public Comments for Board of Supervisors' Meetings, *available at*: https://www.ventura.org/board-of-supervisors/agendas-documents-and-broadcasts/public-comments/ (last accessed: Nov. 4, 2020).

[11] *Id*.

[12] *Id*.

> his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.
>
> If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(Gov. Code § 54953.3). The Board did not adequately comply with this requirement to allow public participation in the current pandemic. Of course, CRC supports the County's efforts to address and mitigate a pandemic that has plagued the County and nation, but the County's alternative procedures are not a lawful substitute. Such attempts to diminish the public's ability to effectively participate in the discussion on the proposed amendments to the Zoning Codes will not be tolerated.

Accordingly, CRC demands that the Board of Supervisors cure or correct the serious Brown Act violations identified above that will undermine the validity of the November 10, 2020 meeting. The County has 30-days to take corrective action under Government Code section 54960.1. Please notify CRC of any intent to cure the Brown Act violations prior to the running of the 30-day period.

Sincerely,

Matthew C. Wickersham