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July 30, 2024

**VIA E-MAIL**

Board Chair Kevin Crye  
Supervisor Tim Garman  
Supervisor Mary Rickert  
Supervisor Patrick Jones  
Supervisor Chris Kelstrom  
SHASTA COUNTY BOARD OF SUPERVISORS  
1450 Court Street, Suite 308B  
Redding, CA 96001-1673

**Re: July 29 news release about “media policies and procedures”**

Dear Supervisors:

We write to protest the county’s purported “media policies and procedures” described in a press release issued on July 29, a copy of which is attached. At best, these policies create confusion, and at worst, they run counter to the Ralph M. Brown Act and First Amendment and threaten the ability of journalists to exercise editorial independence in covering government meetings.

Under Article I, Section 3(b)(2) of the California Constitution, the Brown Act must be construed broadly in favor of transparency. The Brown Act is clear on the rights of the press and public to attend and record Board meetings, and no further “policies and procedures” on that point are necessary or advisable. We urge you to immediately withdraw these restrictions and publicly commit to adhering to the Brown Act and respecting press rights.

First, the county may not restrict journalists to a designated area in the board chambers. The press release states that journalists “who wish to observe, record, or document a Board of Supervisors may set up equipment in *the designated media section* inside the Board Chambers as usual” (emphasis added). Intentionally or otherwise, this language suggests that reporters may not record a board meeting from outside the “designated media section.” Any such restriction runs afoul of both the Brown Act and the First Amendment.

The relevant portion of the Brown Act states:

Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video

recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

Govt. Code Section 54953.5(a). The Act thus guarantees the right of any person — members of the press and the public — to record board meetings from any location in the meeting room unless the board makes a reasonable finding that the recording cannot continue without persistent disruption of the meeting. A minimal or fleeting disruption is not sufficient.

The First Amendment prohibits depriving the press of rights available to the general public. Given that members of the press have the same right as any member of the public to attend and record these public meetings, the county may not target members of the press in the way the policy suggests.

Second, the county may not strip journalists of rights guaranteed by the Brown Act if they choose to attend board meetings in chambers. The press release says “media members have the option to attend the meeting from the Media Room,” but in the event “of a disruption resulting in a public safety issue, attendees will be asked to vacate the Chambers, media members in chambers would also vacate the room without reentry until permitted, abiding by the same rules as other meeting attendees.” It goes on to say, “In such cases, media members viewing the meeting from the Media Room may remain in the media room during the recess.”

This language is problematic because the term “public safety issue” is vague and untethered to the requirements of the Brown Act, which allows the meeting room to be cleared when a “meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting.” Govt. Code Section 54957.9.

The language also fails to recognize the unique rights of reporters when the meeting room is cleared. Assuming it is otherwise justified to clear the room, the Brown Act mandates, “Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.” Govt. Code Section 54957.9. The county cannot strip the press of this Brown Act protection for any reason, and especially not in the event that a member of the press declines to work from a designated room. While journalists may be given the voluntary option to work from a “media room,” they cannot be required to do so.

The Brown Act's requirements cannot be evaded merely by contending that the meeting is in "recess." If a recess is called but the meeting is not adjourned, the meeting remains in session and subject to the Act's requirement that board meetings "shall be open and public, and all persons shall be permitted to attend any meeting." Govt. Code Section 54953(a). In such circumstances, the room can be cleared only when the strict requirements of Section 54957.9 are met.

Third, we are concerned the foyer area outside the board chambers "will also be closed to all attendees and media until the Board Meeting resumes," in the event of a disruption. We can think of no reason why such a restriction would be necessary, except as to further limit the ability of the press to witness any activity being undertaken by law enforcement or private security in or near the meeting chambers.

As events of last week demonstrated, when the Board recessed proceedings over purported disruptions, journalists are essential to keeping the community informed. By all accounts, during last week's meeting, [journalists performed](#) an important public service by documenting the board's two-hour recess, which included law enforcement removing a meeting attendee. Given that journalists serve as the eyes and ears of our communities, the county should be working to find ways to support, not interfere with, the press.

We also note that these restrictions were announced via a press release distributed by Public Information Officer David Maung and described as "updates" to a set of restrictions announced three days prior in a press release distributed by Deputy County Executive Stewart Buettell. We are unaware of any authority county staff members have to impose such restrictions to activity protected by the Brown Act — restrictions that can only be imposed after a finding by the legislative body.

We hope the county takes corrective action before convening today's 5:30 p.m. meeting. If the board considers these matters, it should take them up on a properly noticed agenda item at a future meeting, at which time the board should confirm that the alleged "policies and procedures" are unnecessary and confusing if not unlawful and are therefore not in effect.

Thank you for your attention to this issue.

FIRST AMENDMENT COALITION



David Loy  
Legal Director

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Ginny LaRoe  
Advocacy Director

cc: David J. Rickert, County Executive Officer  
Sheriff Michael L. Johnson  
Stewart Buettell, Deputy County Executive  
David Maung, Public Information Officer  
Joseph Laramour, County Counsel

**From:** Stewart Buettell <[sbuettell@shastacounty.gov](mailto:sbuettell@shastacounty.gov)>

**Date:** July 26, 2024 at 4:56:13 PM PDT

**Cc:** David Maung <[dmaung@shastacounty.gov](mailto:dmaung@shastacounty.gov)>

**Subject:** Press Release - Media Engagement during Board of Supervisors Meetings

Please see the press release below and attached regarding media engagement during Shasta County Board of Supervisor meetings.

## Press Release

### FOR IMMEDIATE RELEASE

July 26, 2024

### Shasta County Media Engagement during Board of Supervisor Meetings

**Shasta County, CA** – Following recent events disrupting the regular course of business of the Shasta County Board of Supervisors, the County is updating its policies and expectations for participants and media during Board of Supervisors meetings.

Effective immediately, any member of the media who wants to observe, record, or otherwise document a Board of Supervisors meeting, is requested to setup equipment, and attend from inside the Media Room, located just off the foyer to Board Chambers. The Media Room will be unlocked prior to the start of a Board meeting, following the main entry doors being opened.

Any member of the media opting not to attend through access to the Media Room will be considered participants in the Board of Supervisors meeting and may be asked to vacate Chambers, in the event of a disruption. Depending on the nature of the disruption, the foyer immediately outside of Board Chambers may also be cleared of all participants and closed until the Board resumes, at the same time the Media Room will be locked. Anyone inside will be able to exit the Media Room at their convenience; however, reentry into either Board Chambers, the foyer, or the Media Room, shall not be permitted until the Board of Supervisors resumes.

Shasta County remains committed to the orderly conduct of business in a professional and accessible environment for anyone wishing to participate, attend, or otherwise engage with the Shasta County Board of Supervisors.

The next regularly scheduled Board of Supervisors meeting is July 30, 2024, at 5:30 p.m.

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**Stewart Buettell**

Deputy County Executive Officer

**County of Shasta**

1450 Court Street, Suite 308A

Redding, CA 96001

**Phone** 530-225-5561

**Email** [SBuettell@shastacounty.gov](mailto:SBuettell@shastacounty.gov)



# SHASTA COUNTY

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County Administrative Office  
1450 Court Street, Redding, CA

## P R E S S   R E L E A S E

**Media Contact:**

David Maung, Public Information Officer  
Shasta County  
dmaung@shastacounty.gov  
530-782-3558

**FOR IMMEDIATE RELEASE**

July 29, 2024

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### **Shasta County Updates Media Policies and Procedures for Board of Supervisors Meetings**

**Shasta County, CA** – In response to recent events that have disrupted the regular course of business of the Shasta County Board of Supervisors, the County is updating its policies for participants during Board of Supervisors meetings.

Media members who wish to observe, record, or document a Board of Supervisors meeting may set up equipment in the designated media section inside the Board Chambers as usual. Additionally, media members have the option to attend the meeting from the Media Room, located just off the foyer to the Board Chambers.

In the event of a disruption resulting in a public safety issue, attendees will be asked to vacate the Chambers, media members in chambers would also vacate the room without reentry until permitted, abiding by the same rules as other meeting attendees. In such cases, media members viewing the meeting from the Media Room may remain in the media room during the recess.

Please note that the foyer immediately outside the Board Chambers, will also be closed to all attendees and media until the Board Meeting resumes. At that time reentry to the Board Chambers, the foyer and the Media Room will not be permitted until the Board of Supervisors reconvenes. Anyone inside the Media Room will be able to exit at their convenience.

Shasta County remains committed to maintaining the orderly conduct of business in a professional and accessible environment for all individuals wishing to participate, attend, or otherwise engage with the Shasta County Board of Supervisors.

The next regularly scheduled Board of Supervisors meeting is on July 30, 2024, at 5:30 p.m.

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