



Northern California

April 4, 2023

Fresno County Board of Supervisors
c/o Clerk of the Board
2281 Tulare St, Rm 301
Fresno, CA 93724
ClerkBOS@fresnocountyca.gov

Sent via electronic mail

Re: Yokuts Valley signage and threatened lawsuit

Dear Members of the Fresno County Board of Supervisors:

We write to urge the Board to reverse actions taken by it, or at the direction of one or more of its members, concerning Yokuts Valley. On February 9, 2023, at the insistence of, or with the encouragement of Supervisor Nathan Magsig, an unofficial “Welcome to Sq— Valley” sign was re-installed on the grounds of the Bear Valley Library after it had been removed by a County work crew, in violation of California Gov’t Code § 8899.93(a). Then on March 14, 2023, the Board voted, 3-2, to sue the State of California for declaratory and injunctive relief to challenge the provisions of AB 2022.¹ AB 2022, enacted by the Legislature and approved by the Governor in September 2022, declares that “[t]he term ‘sq—’ is a racist and derogatory term” and prohibits the replacement of any sign containing that term after such a sign has been removed.

The American Civil Liberties Union Foundation of Northern California (“ACLU NorCal”) has been monitoring the unfortunate actions of the Board and its members regarding Yokuts Valley. We support and defend the rights of all Californians to be free from the use of racist and derogatory place names, and we are concerned that the threatened litigation against the State would be both frivolous and a waste of taxpayer dollars. We respectfully urge the Board to remove the illegal sign immediately, and to abandon the threat of litigation. If these actions are not taken promptly, we reserve the right to commence or join any legal action to make sure that they occur.

¹ Assemb. B. 2022, 2021-2022 Sess. (Cal. 2022).

AB 2022 was passed on September 23, 2022. It found that “the term ‘sq—’ is a racist and derogatory term...”² and that “geographic and place names in the State of California that contain the word ‘sq—’ are deemed to be offensive and insulting.”³ It added Government Code §§ 8899.90-8899.95, and explicitly provides that the purpose of these provisions is “to prohibit the use of the word ‘sq—’ for geographic features and place names within the State of California. It requires the removal of the word “sq—” from all geographic features and place names beginning on January 1, 2025,⁴ and requires that effective as of the date of passage, “[a] public agency shall no longer replace any sign, interpretive marker, or any other marker or printed material with the discontinued name containing the word ‘sq—.’”⁵

By lawful order of the U.S. Board of Geographic Names (“BGN”), the name “Sq— Valley” is a discontinued name. On January 12, 2023, after a process that included extensive public comment, the BGN renamed the unincorporated community Yokuts Valley.⁶ The name Yokuts Valley was proposed in the public comment period. The work “Yokuts” means “the people” in the Mono language, and as such, the name of this community now translates to People’s Valley.

On or around February 7, 2023, a County work crew removed an unofficial sign reading “Welcome to Sq— Valley” that had stood in front of the Bear Mountain Library. In a video posted on Facebook that same day, Supervisor Magsig stated that he would ensure that the sign would be replaced.⁷ Shortly thereafter, on or around February 9, 2023, the sign was replaced in a more prominent position in front of the library, and on taller support posts. Because the name “Sq— Valley” had been discontinued by order of the BGN, the replacement of the offending sign by the Board, or at the insistence of one or more of its members, unquestionably violated Gov’t Code § 8899.93(a).

The unlawful replacement of the sign is an offensive repudiation of the work that has been done throughout the State to rectify the harms committed towards Native Americans in California, including the passage of AB 2022. In passing AB 2022, the State found that “‘sq—’ is a racist and derogatory term that has historically been used as an offensive ethnic, racial, and sexist slur, particularly for indigenous women.”⁸ In enacting AB 2022, California set an admirable and important precedent to acknowledge and address the debilitating harm caused by the legacy of

² Assemb. B. 2022 § 1(a), 2021-2022 Sess. (Cal. 2022).

³ *Id.* at §1(d).

⁴ Cal. Gov’t Code § 8899.93(b).

⁵ Cal. Gov’t Code § 8899.93(a).

⁶ Press Release, U.S. Dept. of the Interior, Interior Department Completes Vote to Remove Derogatory Names from Five Locations (Jan. 12, 2023) <https://www.doi.gov/pressreleases/interior-department-completes-vote-remove-derogatory-names-five-locations>

⁷ Nathan Magsig, *Fresno county update February, 7 2023*, Facebook (Feb. 7, 2023), https://fb.watch/jxLDi-8_05/.

⁸ Assemb. B. 2022 § 1, 2021-2022 Sess. (Cal. 2022).

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colonization and racial discrimination against Native Americans. By violating AB 2022 and threatening legal action, the Board and its members have regrettably demonstrated their desire to undermine the State's efforts to right the wrongs of the past. Furthermore, by promoting the continued use of the term "sq—," the Board and its members perpetuate the continuing harm to their constituents who are members of Native and Indigenous communities, particularly women, living in the area.

On March 14, 2023, after the Board of Supervisors voted 3:2 during closed session to initiate litigation against the state of California, Supervisors Magsig and Mendes appeared together in an update on Facebook.⁹ During that "update," Supervisor Mendes "compared the federal government's name change process to both the Soviet regime and the Chinese Cultural Revolution under Mao Zedong."¹⁰ The comments of Supervisors Magsig and Mendes surrounding the renaming of Yokuts Valley are unfortunate and offensive. Contrary to their insinuations that the renaming process was comparable to the actions of dictatorial regimes, the process at both the federal level (through the BGN) and the state level (through the Legislature) reflected the will of the people as expressed by their elected and appointed representatives. We urge the Board to respect these democratic processes and the efforts they represent to address historical injustice.

We therefore respectfully urge the Board to take immediate steps to remove the "Welcome to Sq— Valley" sign that was illegally replaced in front of the Bear Mountain Library, to encourage the members of the Fresno County Board of Supervisors to fulfill their legal obligations under AB 2022, and to publicly reverse the Board's March 14, 2023 resolution to initiate legal action against the State. Failing such action, we reserve the right to take, or to participate in, appropriate legal action. We are available to discuss this further at your request. Please respond by contacting Brandon Greene at bgreene@aclunc.org by April 11, 2023.

Sincerely,



Brandon L. Greene
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⁹ Nathan Magsig, *Fresno County Board of Supervisors (3-2) has decided to take the State of California to court and fight for local control. The State has decided to police speech and we will fight to return power to locals and their elected leaders.*, Facebook (Mar. 14, 2023), <https://fb.watch/jxLxo5yWMG/>.

¹⁰ Melissa Montalvo, *Fight over renaming places isn't over yet. Fresno County plans to sue California over law, Fresno Bee*, Mar. 15, 2023, available at: <https://news.yahoo.com/fight-over-renaming-places-isn-180859197.html>.

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