

If you read the factual affidavits that were emailed to you, then you would know Mr. Payne has demonstrated on numerous occasions that he is incapable of professional conduct in accordance with the Brown Act and his oaths of office. Kris has publicly admitted in the presence of David Livingston, and witnessed by other individuals, that he has mental health issues that necessitated his early retirement from EDC employment. It stands to reason that he should be prohibited from any position that could exacerbate his aberrant behavior.

Furthermore, his application mentions his affiliation with the Taxpayers Association and his experience on the Parks and Recreation Commission where his **outbursts, harassment and unprofessional conduct have been disruptive** and clearly outside of the law. Kris continues to demonstrate the same abusive conduct even during Taxpayers Association meetings attended by government officials, where he has interrupted, heckled, and publicly harassed me, in blatant disrespect for and in violation of my inherent First Amendment rights.

The bottom line is that the Taxpayers Association has become a **bully pulpit**, pretending Good Governance and transparency, all the while hypocritically doing just the opposite. The fact of the matter is that Kris Payne, Todd White, Andy Nevis and their cohorts have no intention of abiding by the law or honoring their sacred oaths.

Mr. Payne's discrimination and repeated attempts to discredit and censor me, and control how I frame my remarks is a direct assault upon and violation of my First Amendment rights. His collusion with staff and failure to **lawfully and publicly** respond to me, aids and abets the perpetuation of El Dorado County dishonest services and corruption. Any deceptive, obstructive enterprise undertaken by any public official, such as Kris, that tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy.

Considering his history of unprofessional conduct, which is a matter of public record, this brings into question the manner in which Kris was selected for this position. Furthermore, Kris currently gets paid as a Planning Commissioner which represents a conflict of interest. The following questions demand public answers:

1. How many other applicants were considered?
2. Why was Mr. Payne never reprimanded and removed from the Parks & Recreation Commission?
3. In light of the evidence of his abuse of the public trust, why did George Turnboo appoint Kris to the Planning Commission and now this Enforcement Panel?

# CALIFORNIA BROWN ACT

## PREAMBLE:

"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 do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

## CHAPTER V.

### RIGHTS OF THE PUBLIC

§54954.3 Public's right to testify at meetings. (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body.

Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal v. Vista Unified School Dist.* (1997) 973 F. Supp. 951; *Baca v. Moreno Valley Unified School Dist.* (1996) 936 F. Supp. 719.) These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.

54954.2 E (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.

Where a member of the public raises an issue which has not yet come before the legislative body, the item may be briefly discussed but no action may be taken at that meeting. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)



County of El Dorado Clerk of the Board &lt;edc.cob@edcgov.us&gt;

## 7/19/22 BOS - Consent Agenda Item #13 - Kris Payne appointment - public comments

1 message

**Melody Lane** <melody.lane@reagan.com>

Tue, Jul 19, 2022 at 5:19 PM

To: lori.parlin@edcgov.us, wendy.thomas@edcgov.us, george.turnboo@edcgov.us, john.hidahl@edcgov.us, sue.novasel@edcgov.us, edc.cob@edcgov.us

Cc: Donald Ashton &lt;don.ashton@edcgov.us&gt;, david.livingston@edcgov.us, bosfive@edcgov.us, bosfour &lt;bosfour@edcgov.us&gt;, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us, Andy Nevis &lt;andy.nevis@edcgov.us&gt;, Daniel Harkin &lt;daniel.harkin@edcgov.us&gt;, John Clerici &lt;john.clerici@edcgov.us&gt;, Jon Vegna &lt;jvegna@edcgov.us&gt;, Kris Payne &lt;kpayne@edcgov.us&gt;

Below are my prepared statements regarding today's BOS Agenda Item #13, including the attached affidavit addressed to Kris Payne. Since all the Supervisors have knowledge of Mr. Payne's wrong doing, but failed to take remedial action or respond to my questions, you are therefore culpable and liable. See: *U.S. v. Tweel*, "**Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.**"

It is obvious that the BOS has no intention of abiding by the law or the Brown Act Rights of the Public. Don't forget that the Citizens of El Dorado County are at the very top of the org chart, therefore you are accountable to us.

# # #

I had previously requested this item be pulled from Consent. If you read the factual affidavits that were emailed to you, then you would know Mr. Payne has demonstrated on numerous occasions that he is incapable of professional conduct in accordance with the Brown Act and his oaths of office. Kris has publicly admitted in the presence of David Livingston, and witnessed by other individuals, that he has mental health issues that necessitated his early retirement from EDC employment. It stands to reason that he should be prohibited from any position that could exacerbate his aberrant behavior.

Furthermore, his application mentions his affiliation with the Taxpayers Association and his experience on the Parks and Recreation Commission where his **outbursts, harassment and unprofessional conduct have been disruptive** and clearly outside of the law. Kris continues to demonstrate the same abusive conduct even during Taxpayers Association meetings attended by government officials, where he has interrupted, heckled, and publicly harassed me, in blatant disrespect for and in violation of my inherent First Amendment rights.

The bottom line is that the Taxpayers Association has become a **bully pulpit**, pretending Good Governance and transparency, all the while hypocritically doing just the opposite. The fact of the matter is that Kris Payne, Todd White, Andy Nevis and their government cohorts have no intention of abiding by the law or honoring their sacred oaths.

Mr. Payne's discrimination and repeated attempts to discredit and censor me, and control how I frame my remarks is a direct assault upon and violation of my First Amendment rights. His collusion with staff and failure to *lawfully* and *publicly* respond to me, aids and abets the perpetuation of El Dorado County dishonest services and corruption. Any deceptive, obstructive enterprise undertaken by any public official, such as Kris, that tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy.

Considering his history of unprofessional conduct, which is a matter of public record, this brings into question the manner in which Kris was selected for this position. Furthermore, Kris currently gets paid as a Planning Commissioner which represents a conflict of interest. The following questions demand public answers:

1. How many other applicants were considered?
2. Why was Mr. Payne never reprimanded and removed from the Parks & Recreation Commission?
3. In light of the evidence of his abuse of the public trust, why did George Turnboo appoint Kris to the Planning Commission and now this Enforcement Panel?

*Melody Lane*

**Founder – Compass2Truth**

If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just powers from the consent of the governed, that is final. No advance, no progress can be made beyond these propositions. ~ John Adams ~

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 **ML\_Kris Payne Affidavit 5-2020.pdf**  
11211K

## AFFIDAVIT/DECLARATION OF TRUTH

Kris Payne  
District #3 Parks and Recreation Commissioner  
330 Fair Lane  
Placerville, CA 95613

I, **Melody Lane**, the undersigned, hereinafter: Affiant/Declarant, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and solemnly swear, under oath, before a certified California Notary Public, that I am of legal age and of sound mind and hereby attest that all the information contained in this Affidavit/Declaration is true, correct and admissible as evidence.

This Affidavit/Declaration of Truth is lawful notification to you, Kris Payne, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and The Declaration of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1, and requires your written rebuttal to me, specific to each and every point of the subject matter stated herein, within 30 days, via your own sworn and notarized affidavit, using true fact(s), valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection or that of those who represent you. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

### **Affiant/Declarant hereby affirms that the following actions and events took place:**

On February 28, 2020, I sent you, Kris Payne, El Dorado County District #3 Parks and Recreation Commissioner and Chairman, via USPS certified mail, a letter which you received on March 4, 2020. That letter, attached hereto, incorporated herein as if fully set forth in this Affidavit/Declaration, and marked **Exhibit A**, was sent to inform you of these events and statements made by you, and also as an inquiry to ascertain whether you, Kris Payne, support and uphold them or would rebut them.

My claims, statements and averments also pertain to your actions, committed against me, by which you failed to provide honest public services, pursuant to the oaths

under which you were delegated limited authority to assume your position and conduct duties thereunder. When any public official/principal has knowledge of wrongdoing in his jurisdiction committed by his appointed agent, yet fails to take corrective action, then that public official/principal aids and abets the unlawful action of the agent, thereby maintaining the errant status quo, and thus becomes complicit and liable. As you may know, in some cases, it is the agent who can be held responsible and liable for misconduct, illegal activity, or violations of business standards such as you have committed. Additionally, both principal and agent can be held liable.

Some of the things to which you admit include, but are not limited to, the following:

- 1) On multiple occasions you, and all other Parks and Recreation Commissioners, have been publicly apprised by me concerning threats, retaliation, assaults, and slander committed against me, as well as blatant Brown Act violations and fraudulent River Management Plan information submitted to the Board of Supervisors by members of the River Management Advisory Committee (RMAC), Coloma Lotus Advisory Committee (CLAC), and Parks & Recreation staff. Subsequent recommendations made by Commissioners to the Board of Supervisors that are based on fraud affect their decisions, and ultimately adversely impact all EDC citizens. You have obstructed my rightful efforts in pursuit of redress of grievances pertaining to any of the crimes committed against me, you have failed to address, respond to and give due consideration to correspondence and information conveyed to you, thereby you have denied me rights secured in the First Amendment, in violation of the Principal Agent oath and in blatant defiance to the Constitution(s).
- 2) All actions by public officers, or their agents, conducted in the performance of their official duties either support and defend their Constitutional oaths of office, or oppose and violate them. Any enterprise, undertaken by any public official, such as you, who tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. You failed to provide honest public services pursuant to your oaths, and in so doing, you perjured your oath by violating my Constitutionally guaranteed Rights, in particular those secured in the Bill of Rights, including but not limited to my 1<sup>st</sup> Amendment Rights. *See United States v. Dial, 757 R2d 163, 168 (7<sup>th</sup> Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 - Concealment, removal, or mutilation generally.* By your unlawful actions, you acted in sedition and insurrection against the Constitutions, both federal and state, and in treason against the People, in the instant case, me.

- 3) The River Management Advisory Committee (RMAC) was officially disbanded in 2017. However, on several occasions, you actively participated as a representative of the Parks and Recreation Commission in serial RMAC meetings and Coloma Lotus Advisory Committees (CLAC) meetings, most of which are held within the Marshall Gold Discovery Park. Although I personally audio record all such meetings, typically there is no county representative at those meetings who is equipped with an audio recording device to ensure transparency, accountability, and adherence to the Brown Act. Consequently, Public Record Act requests for information that I submitted produced evidence that the outcomes of those meetings were *predetermined* via serial meetings which the Brown Act strictly prohibits. Thus, those meetings and their outcomes were and are unlawful, without lawful force and effect, and you and all other public officials who conducted and/or participated in those serial meetings have acted **criminally** and deceptively, in violation of the Public Trust and in perjury of their oaths.
- 4) It is significant that you nor any of the Commissioners reside anywhere near the river, so are not adversely affected by the River Management Plan, as are the people who live near it. Your involvement and collusion with county staff to promote special interest groups **to the exclusion of local residents** demonstrates your bias, conflict of interest, and disrespect for the people you theoretically serve, maintains the corrupt status quo and constitutes deceptive, criminal behavior which harms me and other Citizens of Coloma and Lotus. Your active participation in serial RMAC and CLAC meetings represents a conflict of interest, is in violation of the Brown Act and the oaths of office under which you were delegated your limited duties and authority, and is a flagrant violation of the constitutionally secured inherent rights and due process of law guaranteed to me and all American and California Citizens in the national and state Constitutions.
- 5) During the December 2019 Parks and Recreation meeting when I attempted to exercise my rights, you became argumentative and falsely accused me of “name calling”, apparently intending to slander me and discredit my statements. However, witnesses and audio recordings prove I did no such thing. Your discrimination against me and repeated attempts to discredit, slander and censor me, and control how I frame my remarks was a direct assault on and violation of my First Amendment rights. You have similarly abused your position and harassed me during Taxpayer Association meetings. Your unconstitutional actions harmed me by obstructing, limiting and denying me the ability to exercise my right, secured in the First Amendment, to freely speak during the referenced December 2019 meeting. At one point Parks and Recreation Supervisor Vickie Sanders specifically warned you to refrain from appearing like a “dictator”, but you persisted in discriminating against me each time I approached the podium.

Again you intensified your verbal assaults and discrimination during the February 3, 2020 Parks and Recreation meeting. This is yet another example of how you have openly violated, denied and deprived me of my rights secured in the First Amendment.

- 6) The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which the oath taker, pursuant to his oath, as well as his delegated agent, is mandated to uphold. You failed this requirement by failing to respond in kind to and/or rebut my lawful notices to you; thus you violated two provisions of the First Amendment, my constitutionally guaranteed rights secured therein, the Public Trust, and perjured the oaths of office taken by your principal, under whose oath-bound authority you hold your position and conduct the duties thereof. Without any authority to do so, Deputy CAO, Creighton Avilla, interrupted to advise you to "close public comments." And instead of upholding the mandates of the Brown Act, which all public officials should fully understand and follow, you unlawfully closed public comments, thus, acted criminally and in violation of my constitutionally guaranteed rights and those of other attendees, secured in the First Amendment.
- 7) During the February 3<sup>rd</sup> meeting when all the commissioners returned to their seats, I commenced my prepared comments, but you again disrespectfully talked over me and refused to permit me to finish my remarks, again violating the Brown Act and flagrantly depriving me of my rights secured in the First Amendment. Before adjourning, Commissioner Wayne Lowery publicly acknowledged that you and the rest of the Commissioners had crossed far over the line, but even then you attempted to defend your unlawful actions without providing any lawful justification for them. Obviously, you could not lawfully justify your actions, because there is NO LAWFUL justification for depriving me, or any Citizen, of rights secured in the First Amendment and protected by the Brown Act.
- 8) Factual documents that I had submitted to all the Commissioners were required to be publicly posted to a specific Parks and Recreation February agenda item concerning the River Management Plan due to the fact they contained relevant evidence of collusion between county staff and CA State Parks personnel involved in government corruption. However, those documents were apparently obfuscated and diverted. When I questioned Vickie Sanders about what happened to my public documents, she replied, "*Because that wasn't how County Counsel wanted to handle it.*" Vickie's reply could imply that County Counsel's handling of this matter was to keep the evidence of collusion contained in those factual documents I submitted away from the public's eyes and ears, which constitutes public deception. Furthermore, the minutes failed to reflect your self-serving "statement" about the suspiciously missing February 3<sup>rd</sup> audio from the EDC government website because it appears that it was obviously prepared for you by county counsel whenever there are liability issues. The public is entitled to honest services. As I stated previously, any obstructive, deceptive enterprise undertaken by any public official, such as you, which tends

to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of deceit, is the simplest and clearest definition of that word.

The requirements of *Tweel*, cited above, are incumbent upon you in both your personal and professional capacities, pursuant to the oath under which you hold and exercise the duties of your position. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, whether directly sworn or under Principal Agent oaths, then that is a Constitutional crime. Furthermore, I asked for your direct official email address, which you refused to give me. By your evasive response to me, it is evident that you do not want to be contacted, nor do you want to be transparent or held accountable to your oaths by the people you purportedly serve. Instead, you have conspired with county staff in multiple acts of obstructionism, fraud, and deprivation of the secured rights of the public, including me, all of which constitute serious crimes. See *USC Title 18, § 241*.

The First Amendment **guarantees** the Right of free speech and the Right to petition government for redress of grievances, which the oath taker, pursuant to his oath, is mandated to uphold. Pursuant to your principal agent oath of office, you have a duty to be **accessible** and **responsive**, in kind, to the public. Since you failed this requirement, then you have violated two provisions of the First Amendment, the Public Trust and perjured your principal agent oath. In this way, the public, including me, is deprived of their constitutionally guaranteed rights secured in the First Amendment.

- 9) By not responding to and/or not rebutting Citizens' questions, statements and comments, public officers, holding positions under oath-bound mandates, such as you, Kris, deny the Citizen, in the instant matter, me, remedy. Thus, by your actions you have denied me, the Citizen, constitutional due process of law, as stated within the Bill of Rights. An American Citizen, such as I, can expect, *and has the Right and duty to demand*, that government officials uphold their oaths to the Constitution(s) and abide by all Constitutionally-imposed mandates of their oaths, whether direct or agent principal oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby lawfully claim and exercise.

Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. Notably, you refused me the right to respond publicly by foreclosing meaningful public dialog for purposeful cover up of government malfeasance and, thus, maintained the status quo. Furthermore, you failed to provide honest public services pursuant to your duties under the referenced Principal Agent oaths, betrayed the Public Trust, and in so doing, you perjured those oaths by violating my constitutionally-guaranteed Rights, in particular those secured in the Bill of Rights, including, but not limited to, my First Amendment Rights. By your unlawful actions, you acted in sedition and

insurrection against the constitutions, both national and state, and in treason against the People, in the instant case, me.

- 10) You have no authority whatsoever to arbitrarily engage in dialog with some Citizens, or discriminately refuse to dialog with others. During the December 19<sup>th</sup> and February 3rd Parks and Recreation Commission meetings, I was discriminated against by you, Commissioner Kris Payne. You denied me equal rights when you repeatedly interrupted, harassed, and refused to allow me to respond to blatantly false statements publicly made against me. In violation of the Brown Act and your Principal Agent Oath of Office, you thus deprived me the right to due process for the purpose of redressing grievances.
- 11) As Chairman for the Parks and Recreation Commission, it has been brought to your attention on numerous occasions, as well as to the Board of Supervisors, that Parks and Recreation staff is habitually submitting erroneous data and/or false information regarding recommendations made to the Planning Commission and Board of Supervisors. Having knowledge of wrong doing, and your failure to take remedial action makes you culpable and liable. As such, my claims pertain to your failure to provide honest public services pursuant to your oaths. The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which, the oath taker, pursuant to his oath, is mandated to uphold. You failed this requirement, thus, you violated two provisions of the First Amendment, the Public Trust and perjured your oath.

By not responding and/or not rebutting, such as you have demonstrated, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or other public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by Citizens injured by their actions. All American Citizens, can expect, and have the Right and duty to demand, that government officers and their agents, uphold their oaths to the Constitution(s) and abide by all Constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

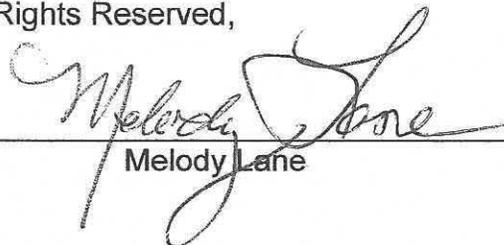
Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers and their agents, including you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon those executing the duties of any public office, at any level, without exception, as they are upon you.

Lawful notification has been provided to you stating that if you do not truthfully and factually rebut the statements, charges and averments made in this Affidavit/Declaration, then, you agree with and admit to them.

Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut that with which you disagree, with particularity, within thirty (30) days of receipt thereof, by means of your own written, sworn, notarized affidavit of truth, based on specific, relevant fact and valid law to support your disagreement, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the laws of the United States of America and this state of California. An un-rebutted affidavit stands as truth and fact before any court.

Your failure to respond, as stipulated, is your agreement with and irrevocable admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, fully binding upon you, District #3 Parks and Recreation Commissioner Kris Payne, in any court of law in America, without your protest, objection and that of those who represent you.

All Rights Reserved,

By:  Date: 5/18/20  
Melody Lane

Melody Lane  
Compass2Truth  
C/o P.O. Box 598  
Coloma, California [95613]

**(See attached California Notarization)**

Attachments:

Exhibit A – February 28, 2020 letter to Kris Payne

CC: District #1 Supervisor John Hidahl  
District #2 Supervisor Shiva Frentzen  
District #3 Supervisor Brian Veerkamp  
District #4 Supervisor Lori Parlin  
District #5 Supervisor Sue Novasel  
CAO Don Ashton  
Marshall Gold Discovery Historic State Park Superintendent Barry Smith  
CA State Parks Director Lisa Mangat  
Media and other interested parties

# CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF El Dorado }

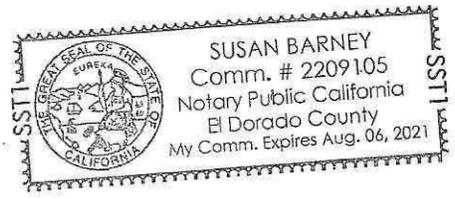
Subscribed and sworn to (or affirmed) before me on this 18 day of May, 2020  
Date Month Year

by Melody Lane

*Name of Signers*

proved to me on the basis of satisfactory evidence to be the person  who appeared before me.

Signature: Susan Barney, Notary Public  
*Signature of Notary Public*



*Seal*  
*Place Notary Seal Above*

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.*

Description of Attached Document  
Title or Type of Document: Affidavit of Truth - Kris Payne A&R Commissioner

Document Date: 5/18/20

Number of Pages: 8

Signer(s) Other Than Named Above: —

*Melody Lane  
Compass2Truth  
P.O. Box 598  
Coloma, CA 95613*

February 28, 2020

Kris Payne, Chairman  
District #3 Parks and Recreation Commissioner  
c/o 330 Fair Lane  
Placerville, CA 95667

Mr. Payne,

This letter is lawful notification to you, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1. This letter requires your written rebuttal to me, specific to each claim, statement and averment made herein, within 30 days of the date of this letter, using true fact, valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond within 30 days as stipulated, and rebut, with particularity, everything in this letter with which you disagree is your lawful, legal and binding agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection or that of those who represent you. Your silence is your acquiescence. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

What I say in this letter is based in the supreme, superseding authority of the Constitution for the United States of America, circa 1787, as amended in 1791 with the Bill of Rights, and the California Constitution, to which all public officers have sworn or affirmed oaths, under which they are bound by Law. It is impossible for an oath taker to lawfully defy and oppose the authority of the documents to which he or she swore or affirmed his or her oath. My claims, statements and averments pertain to your actions taken regarding violations of the California Ralph M. Brown Act and the deprivation of my rights pursuant to your Principal Agent Oath of Office. When I use the term "public officer(s)", this term includes you.

It is a fallacy that you are a mere "volunteer" representative on the Parks and Recreation Commission, or any other committees that you currently serve. As the principal, District #3 Supervisor Brian Veerkamp has delegated authority to you, Kris Payne, to act on his behalf, as his agent, which was unanimously approved by the Board of Supervisors. As such, you are

EXHIBIT A

bound by the Principal Agent Oath of Office that requires you to support the national and state Constitutions and the rights of the people secured therein.

The Supreme Law and superseding authority in this nation is the national Constitution, as declared in Article VI of that document. In Article IV, Section 4 of that Constitution, every state is guaranteed a republican form of government. Any "laws", rules, regulations, codes and policies which conflict with, contradict, oppose and violate the national and state Constitutions are null and void, *ab initio*.

All public officers are required to abide by their oaths in the performance of their official duties. No public officer, including you, has the constitutional authority to oppose, deny, defy, violate and disparage the very documents to which he or she swore or affirmed his or her oath. All actions by public officers conducted in the performance of their official duties either support the national and state Constitutions, or deny them.

My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. When any public official has knowledge of wrongdoing, yet fails to take corrective action, then that public official aids and abets the unlawful action of the agent, thereby maintaining the status quo, and thus becomes complicit and liable. As you know, in some cases, it's the agent who can be held responsible for misconduct, illegal activity, or violations of business standards such as you have committed.

#### CLAIMS AND AVERMENTS:

It is the duty of every Citizen to demand that government representatives, such as you, specifically perform pursuant to the constitutional mandates contained within their oaths, and thereby uphold and protect the rights of the people, as opposed to upholding and promoting the profits of a rapacious, destructive association that perniciously violates the rights of the people as its apparent routine custom, practice, and policy. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services pursuant to your oaths.

Whenever constitutional violations are committed by public officers such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by their oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute fraud. Fraud vitiates any action.

On multiple occasions you, and all other Parks and Recreation Commissioners, have been publicly apprised concerning threats, retaliation, assaults, and slander, as well as blatant Brown Act violations and fraudulent River Management Plan information submitted to the Board of Supervisors by members of the River Management Advisory Committee (RMAC), Coloma Lotus Advisory Committee (CLAC), and Parks & Recreation staff. Subsequent recommendations made by Commissioners to the Board of Supervisors that are based on fraud affect their decisions, and ultimately adversely impact all EDC citizens.

Any enterprise undertaken by any public official, such as you, that tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. *See United States v. Dial*, 757 R2d 163, 168 (7<sup>th</sup> Cir 1985) *includes the deliberate concealment of material information in a setting of fiduciary obligation*. You've demonstrated that your role as chairman of the Parks & Recreation Commission serves to organize faction, to give it an artificial and powerful force to put in place a small but enterprising minority of special interest groups known for decades as the "River Mafia Mob." It is a matter of public record that the Mob has proven their hostility and retaliation against me for whistleblowing while operating outside of the law with the full knowledge and cooperation of county staff. Your public administration of their self-serving plan aids and abets the ill-concerted and incongruous projects of the "River Mafia Mob" rather than a policy which supports and defends Constitutional rights of all El Dorado County residents.

- 1) The River Management Advisory Committee (RMAC) was officially disbanded in 2017. However, on several occasions, you actively participated as a representative of the Parks and Recreation Commission in serial RMAC meetings and Coloma Lotus Advisory Committees (CLAC) serial meetings, most of which are held within the Marshall Gold Discovery Park. Although I personally audio record all such meetings, typically there is no county representative at those meetings who is equipped with an audio recording device to ensure transparency, accountability, and adherence to the Brown Act. Consequently Public Record Act requests for information that have been submitted produced evidence that the outcomes of those meetings have been predetermined via serial meetings which the Brown Act strictly prohibits.

For example, the February 5, 2018 RMAC meeting was another serial meeting held in the Coloma Grange Hall. You sat right next to me as I audio recorded the meeting. It is significant that you dominated that very chaotic meeting that failed to abide by the Brown Act. The purpose of the meeting was to draft the River Management Plan Resolution in order for special interest groups to retain their control over the S. Fork American River. You are well aware that the River Management Plan (RMP) has been a bone of contention with Coloma-Lotus residents for decades, and it is a topic frequently addressed during other relevant public meetings. Lori Parlin and Sue Taylor also attended and actively participated in the drafting of the RMP Resolution. However, it is significant that none of you reside anywhere near the river. Your involvement and collusion with county staff to promote special interest groups to the exclusion of local residents represents your bias, conflict of interest, and maintenance of the corrupt status quo. My written public comments about that particular serial meeting were submitted into the public record during the 2-13-18 Board of Supervisors meeting, agenda item #29 attached herewith as **Exhibit A**.

- 2) Over the past decade, the county has provided regular Brown Act training to all committees and commissions. During the December 19, 2019 Parks and Recreation Commission meeting, county counsel Janeth SanPedro warned the Commissioners about participating in serial meetings, which the Brown Act strictly prohibits. To wit, the Brown Act states:

54952.2. (b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

*The issue of serial meetings stands at the vortex of two significant public policies: first, the constitutional right of citizens to address grievances and communicate with their representatives; and second, the Act's policy favoring public deliberation by multi-member boards, commissions and councils. The purpose of the serial meeting prohibition is not to prevent citizens from communicating with their representatives, but rather to prevent public bodies from circumventing the requirement for open and public deliberation of issues. The Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken. (§ 54952.2(b); Stockton Newspapers, Inc. v. Redevelopment Agency (1985) 171 Cal.App.3d 95, 103.)*

Your active participation in serial RMAC and CLAC meetings represents a conflict of interest, is in violation of the Brown Act and your oaths of office.

- 3) At my request, you and three other individuals were asked to witness my factual presentation during the September 14, 2015 RMAC meeting regarding lack of Code and law enforcement within the Quiet Zone of the S. Fork American River. At that time you witnessed another setup by the River Mafia Mob whose illicit tactics were aided and abetted by Parks and Recreation Supervisor Vickie Sanders, Planning and Development Director Roger Trout, and Supervisor Mike Ranalli. You also witnessed RMAC members Tim Lasko and Adam Anderson create a sudden distraction by falsely accusing me of using profanity, but the truth was that I was seated quietly in the audience, which was indisputably proven by multiple audio recordings and a room full of witnesses. You also witnessed as I took my turn at the podium when Chairman Nate Rangel falsely accused me of violating the Brown Act and he began admonishing me when it was obvious I was perfectly within my First Amendment rights.

Since Supervisor Veerkamp appointed you as District #3 Parks and Recreation Commissioner, you have abused your position to emulate the same River Mafia Mob bully tactics against me. You've demonstrated the same aberrant conduct even during Taxpayers Association meetings attended by government officials, where you have interrupted, heckled, and publicly harassed me.

A recent example took place during the December 19, 2019 Parks and Recreation meeting, when county counsel Janeth SanPedro conducted a tutorial on the Brown Act. Several times during the meeting, you discriminated against me by refusing to respond to direct questions and repeatedly interrupted me when it was obvious that I was fully within my rights. After Ms. SanPedro left the meeting, at one point Parks and Recreation Supervisor Vickie Sanders specifically warned you to refrain from appearing like a "dictator", but you persisted in discriminating against me each time I approached the podium.

Under the Political Reform Act, federal anticorruption law broadly guarantees the public “honest services” from public officials. Depriving the public of honest services is a federal crime and a collaborative “set up” by county officials to discredit and permanently silence me for whistleblowing. *“Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation.”* (*Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988.)* See also *USGC Title 18, § 241 and § 242.*) Your collusion with staff and failure to *lawfully* and *publicly* respond to constituents, in this case me, aids and abets the perpetuation of El Dorado County dishonest services and corruption. The First Amendment guarantees the Right of free speech and the Right to petition government for redress of §grievances, which the oath taker, pursuant to his oath, is mandated to uphold. You failed this requirement by failing to rebut my lawful notices; thus you violated two provisions of the First Amendment, the Public Trust, and perjured your oaths of office.

- 4) During the December 2019 meeting agenda item #5, regarding the Parks and Trails Master Plan and the River Management Plan, you violated the Brown Act by heckling and repeatedly interrupting me before I could even finish my first sentence. Apparently you didn’t like the way I framed my remarks when I attempted to explain the nexus to Agenda 21, the Marshall Gold Discovery Park, American River Conservancy, and the grant money. You’ll recall that was the same topic discussed during the December 17, 2019 Taxpayers Association business meeting with 36 members, including public officials in attendance. When I exercised my rights, that is when you became argumentative and accused me of “name calling”. But witnesses and audio recordings prove I did no such thing. To wit, the Ralph M. Brown Act states:

**§54954.3 Public’s right to testify at meetings.** (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. **Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal v. Vista Unified School Dist. (1997) 973 F. Supp. 951; Baca v. Moreno Valley Unified School Dist. (1996) 936 F. Supp. 719.*) These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.**

Your discrimination and repeated attempts to discredit and censor me, and control how I frame my remarks is a direct assault on my First Amendment rights.

- 5) When I challenged you during the December 2019 meeting regarding your violations of the Brown Act, you openly questioned county counsel Janeth SanPedro for personal legal advice, which was clearly outside of the law. Ms. San Pedro was clearly reluctant to respond and soon thereafter left the room.

During the same meeting, Jackie Neau and I inquired about agenda items which you ignored, and District #4 Commissioner Julia McIver would not respond to my direct questions. One of the issues being discussed had to do with conflicts of interest, which was an agenda item that was deferred to the January 16<sup>th</sup> Parks and Recreation Commission meeting. Without any authority to do so, Deputy CAO Creighton Avilla interrupted to advise you to “close public comments.” To wit, the Brown Act states:

54954.2 E (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.

On numerous occasions, I have distributed copies of specific excerpts stating the Brown Act Preamble and the Rights of the Public. Despite having the law right in front of you, you ignored it as you continue to discriminate and show your contempt for the law, demonstrated by violating the Brown Act, your Principal Agent Oath of Office, and depriving me of the right to make inquiries and provide testimony. *See U.S. v. Tweel*, 550 F. 2d. 297. “*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*”

- 6) During the February 3, 2020 Parks & Recreation meeting, you again refused to respond to specific questions or allow me to provide public testimony. You arrogantly interrupted and continued to talk over me before I even finished the first sentence of my prepared written comments concerning agenda item #2 – Parks & Trails Master Plan, the River Management Plan, and the Water Quality Plan:

**Kris Payne:** (interrupting) Excuse me, I’m speaking about Item 2 and I assume that you’re going to read this...

**Melody Lane:** You did this last time, Kris. I know exactly what I’m doing. Would you please allow me to proceed, Kris...

**Kris:** But are you also going to speak the same comments on Item 3, Item 4, and whatever else I bring up?

**Melody:** Kris, you are violating my First Amendment rights right now. Don’t argue with me.

**Kris:** You’re wasting our time Melody.

**Melody:** I’m going to continue.

**Kris:** No! That has nothing to do with Item 2...(interrupting, talking over me, arguing)...I have to go to the bathroom...

When I requested to proceed so I could finish my prepared remarks, you then created a disturbance, claiming to need to go to the bathroom. Then you abruptly called a recess and stormed out of the room with another commissioner. The audio proves you and the other commissioners were clearly out of order by depriving me of my First Amendment

rights. Meanwhile I firmly stood my ground at the podium with my own audio recorder still on as the remaining commissioners demonstrated their hostility by threatening to have me removed from the building and alluding to county legal action:

**Wayne Lowery:** What are you going to do about it?

**Melody Lane:** You'll see.

**Wayne:** Is that a threat?

**Melody:** It is not a threat. It is a factual statement.

**Wayne:** It sounds like you are litigating this with the county. If that's the case, we can no longer talk to you about it.

When all the commissioners returned to their seats, I commenced my prepared comments, but you again disrespectfully talked over me and refused to permit me to finish my remarks. Before adjourning, Commissioner Wayne Lowery publicly acknowledged that you and the rest of the Commissioners had crossed far over the line, but even then you attempted to defend your unlawful actions without providing any lawful justification for them.

After the meeting adjourned and with my audio recorder still turned on, I inquired of Vickie Sanders why the January 16, 2020 Parks and Recreation meeting was cancelled only 24 hours in advance instead of just moving the meeting across the street as had been the practice in the past. Parks and Recreation was aware that two days prior, I had submitted relevant documents to be publicly posted to the Parks & Trails Master Plan and the River Management Plan agenda item. Those factual documents were relevant evidence of collusion between county staff and CA State Parks personnel involved in government corruption. Vickie replied, "*Because that wasn't how County Counsel wanted to handle it.*"

One of the other items to be discussed on the 1/16/20 agenda was Conflicts of Interest, but the entire agenda disappeared from the government calendar and was replaced with a cancellation notice. However, Conflicts of Interest did not appear again on either of the next three Parks and Recreation Commission agendas. My public testimony about your February 3<sup>rd</sup> debacle and deprivation of my rights was entered into the public record during the February 4<sup>th</sup> the Board of Supervisors meeting when I demanded Supervisor Veerkamp remove you from the Commission pursuant to his oaths. (See Exhibit B).

- 7) On February 25<sup>th</sup>, I brought to the attention of the Board of Supervisors that, although another Parks and Recreation meeting took place on February 20<sup>th</sup>, the incriminating audio of the February 3<sup>rd</sup> Parks and Recreation Commission meeting still had not yet been posted to the government calendar. (See Exhibit C)

However, on February 26<sup>th</sup>, it was brought to my attention that the minutes and the audio of the February 20<sup>th</sup> meeting suddenly appeared on the government calendar. Not only were the minutes deceptively inaccurate, it was obvious you had colluded with staff as you read your contrived statement about the missing and incriminating February 3<sup>rd</sup> audio:

**Kris Payne:** So we have the adoption of the agenda and the approval of the Consent calendar, ah, so let's just go. I'm going to skip that for this meeting. I need a motion

to accept the agenda as prepared, or if you've found something Vickie that is incorrect, let me know please at this time.

**Vickie Sanders:** (inaudible)...the audio recording of the February 3<sup>rd</sup> meeting did not tape.

**Kris Payne:** I'm going to speak to that in just a sec. Ok. So now we're dealing just with the adoption of the agenda...(Approval of the agenda)...Uh, show at least for this, uh, that Julia, uh, hasn't joined us yet. Oh here she comes!...Now we're going to do the approval of the Consent calendar. Uh, so the Consent calendar for this meeting is one item. It's item number one, it's the minutes from our February 3<sup>rd</sup>, 2020, um, meeting, and I note that it includes a sentence, two sentences, and these words I'm going to read for the record: *An audio recording of that meeting will not be published to the website due to technical difficulty. The audio recording is not recoverable or audible and therefore will not be posted.* That's my statement.

The public is entitled to honest services. Any enterprise undertaken by any public official, such as you, which tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of deceit, is the simplest and clearest definition of that word. The minutes failed to reflect your self-serving "statement" about the missing audio from the government website because it was obviously prepared for you by county counsel, who is known to use the "technical difficulties" excuse whenever there are liability issues.

Furthermore, you did not follow the agenda. You failed to abide by the Brown Act, you let Nate Rangel and other members of the public talk without limitation, you rambled on so long on Items #3 and #4 that Items #5 and #6 had to be skipped and deferred to a "Special" meeting scheduled for March 2<sup>nd</sup>. Additionally, Nate Rangel did NOT make any public comments during Items #5 and #6 as fraudulently reflected in the minutes because those items weren't even discussed or even open to public comment. The requirements of *Tweel*, cited above are incumbent upon you in both your personal and professional capacities, pursuant to your oath. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime.

You failed to provide honest public services pursuant to your oaths, and in so doing, you perjured your oath by violating my constitutionally-guaranteed Rights, in particular those secured in the Bill of Rights, including, but not limited to, my 1<sup>st</sup> Amendment Rights. By your unlawful actions, you acted in sedition and insurrection against the constitutions, both federal and state, and in treason against the People, in the instant case, me. See *United States v. Dial*, 757 R2d 163, 168 (7<sup>th</sup> Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally.

- 8) Two purposes of the Brown Act are to ensure government transparency and the preservation of Citizens First Amendment rights during public meetings. As you know, government censorship is against the law. During the 12/19/19 Parks and Recreation Commission meeting, you publicly acknowledged the fact that CAO Don Ashton had *unlawfully* blocked my ability to communicate electronically with most county staff,

including Parks and Recreation Supervisor Vickie Sanders. It was during a 2018 BOS meeting when I asked you for your email address and you responded, "*I prefer not to provide it at this time. Vickie is working on something in that regard.*" I remarked that all the Commissioners have my contact information, but ever since Don Ashton created one generic general email for each committee and commission, that means the public has no way of contacting individual Commissioners. You responded, "I'm OK with a generic email." I did NOT ask whether you were OK with a generic email. It is evident that you and the rest of the commissioners do not want to be contacted, nor do you want to be transparent or held accountable to your oaths. Instead, you have conspired with county staff in obstructionism, fraud, and deprivation of rights of the public. *See USC Title 18, § 241.*

The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which the oath taker, pursuant to his oath, is mandated to uphold. Pursuant to your principle agent oath of office you have a duty to be *accessible* and *responsive* to the public. If you fail this requirement, then you have violated two provisions of the First Amendment, the Public Trust and perjured your oath. It is thus the public is deprived of their First Amendment rights and the "good old boys" status quo is maintained.

By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. An American Citizen, such as I, can expect, and has the Right and duty to demand, that government officials uphold their oaths to the Constitution(s) and abide by all Constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or verbal inquiries, which in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions. When public officers, such as you, harm the Citizens by their errant actions, and then refuse to respond to or rebut petitions from Citizens, then, those public officers are domestic enemies, acting in sedition and insurrection to the declared Law of the land and *must be opposed, exposed and lawfully removed from office.*

Any actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By stepping outside of your delegated authority, you lost any "perceived immunity" of your office and you can be sued for your wrongdoing against me, personally, privately, individually, and in your professional capacity, as can all those in your jurisdiction, including any judges or prosecuting attorneys and public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties, thereto.

If they fail to act and correct the matter, then they condone, aid, and abet your criminal actions, and further, collude and conspire to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of their office and the jurisdiction for which they work. This constitutes treason by the entire jurisdiction against the People, in the instant case, me, and based upon the actions taken and what exists on

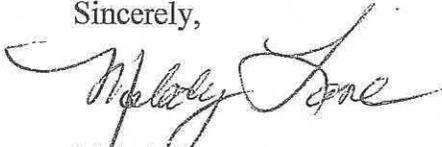
the public record, it is impossible for any public officer to defend himself against treason committed. *See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.*

Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers, including you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon public officers, without exception, as they are upon you.

If you disagree with anything in this letter, then, rebut that with which you disagree, in writing, with particularity, to me, within 30 days of the date of this letter, and support your disagreement with evidence, fact and law.

Your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable agreement attesting to this, fully binding upon you, in any court in America, without your protest or objection or that of those who represent you.

Sincerely,



Melody Lane  
Founder - *Compass2Truth*

Attachments:

- Exhibit A – 2/13/18 BOS - my remarks – Agenda Item #29 – RMP/RMAC Resolution
- Exhibit B – 2/4/20 BOS - my remarks – PRC Payne violated Brown Act
- Exhibit C – 2/25/20 BOS - my remarks – Veerkamp > PRC Payne removal/audio missing

The idea of a “high Crime” which is referred to in our Constitution refer to those crimes committed by people in authority and especially those who are charged with securing the public trust. Hitler's propoganda chief, Joseph Goebbels, said “If you tell a lie big enough and keep repeating it, people will eventually come to believe it.”

Truth is the mortal enemy of the lie, and the list of the River Mafia lies and bully tactics lines up like something right out of the movie *The Godfather*. For example:

As discussed during yesterday's Taxpayers meeting, EDC code and law enforcement is abysmally lacking. County staff routinely falsifies records, declares negative EIRs, and resorts to bureaucratic legal manipulations. The outcomes of public meetings are predetermined before anyone enters the room. RMAC is no exception because serial meetings are routinely held at Camp Lotus, American River Conservancy and the MGDGP.

Good governance is an oxymoron and transparency can only be described as a brick wall. Roger Trout's 3-strikes policy does not exist, therefore it cannot be enforced. He has consistently failed to lawfully respond to CPRAs concerning the RMP and specific business establishments within the Quiet Zone of the American River, thus demonstrating that mockery of the law is worse than no law at all. Retaliation by the mob is their modus operandi.

Last Monday night's chaotic RMAC meeting was held at the Coloma Grange Hall. When I entered the building RMAC business rep Adam Anderson immediately approached me in manner that can only be described as menacing. I ignored him until the point he invaded my personal space making it impossible to avoid him. Finally I turned around and questioned why he hadn't resigned as he stated and made part of the minutes of the 9/11/17 RMAC meeting. Adam replied to me with a sneer, “*Oh that was just a legal manipulation.*”

At the very beginning of the meeting it was announced that this RMP resolution would be approved at today's BOS, thus substantiating that the outcome was already predetermined. ~~Park & Rec~~ Commissioner Kris Payne, Sue Taylor and Lori Parlin were present, and although none of them live anywhere near the Coloma-Lotus river community it is significant that Kris Payne monopolized the meeting and that Sue Taylor contributed to the resolution revisions. The chaotic first hour and a half had nothing to do with the agenda item discussion. Kris Payne demonstrated apparent conflict of interests, violations of his Principle Agent Oath of Office and it certainly does not bode well that yesterday afternoon it was announced that the regular meeting of the Parks and Recreation Commission, scheduled for Thursday, February 15, 2018 has been CANCELLED.

There's no question about the political motivation behind these surreptitious activities taking place that are clearly outside of the law. In reality it is the implementation of Agenda 21.

**EXHIBIT A**

My purpose today is to address the atrocious discrimination, disrespect, and illicit conduct of District 3 Parks and Recreation Commissioner Kris Payne last night, as well as during the December 19<sup>th</sup> Parks & Rec Commission meeting when county counsel provided Brown Act training. Not only did Kris blatantly violate the Brown Act and my First Amendment rights, he used and abused his position as chairman to repeatedly interrupt, heckle, and harass me throughout the meeting. He has demonstrated the same flagrant conduct even during Taxpayer Association meetings.

During the first agenda item five words hadn't escaped my lips before Kris interrupted. FIVE WORDS!! He continued to interrupt and unnecessarily question me about a document that he had right in front of him. When I read the section of the Brown Act about the requirement to respond to statements or questions posed by persons exercising their public rights, Kris refused to lawfully respond to my 3 specific questions. Note U.S. v. Tweel - "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

During the second agenda item I wasn't able to finish my *first sentence* when Kris cut me off again by persisting in controlling how I framed my prepared written remarks. Despite my objections, he proceeded to talk over me the entire time, called a bathroom break, and left the room. That was the cue for the other commissioners to launch a verbal attack while I stood my legal ground.

After Kris returned to the room he again refused to recognize me or address my inquiries as required by law. Vickie Sanders and Creighton Avilla sat mutely while Kris violated my rights and conducted the meeting like a Nazi Gulag. The only other person in the audience was a member of the River Mafia Mob—Nate Rangel—who appeared very amused by the spectacle.

It is obvious that the CAO and Parks and Rec have something to hide, and are incapable of dealing openly, honestly, or in congruence with the EDC Core Values of *accountability, integrity, collaboration, and service excellence*. Creighton left the room at 5 PM, but by 5:40 the commissioners still hadn't finished item #4 primarily due to Kris being self-absorbed with his own agenda.

Before adjourning Dist. #5 Commissioner Wayne Lowery publicly acknowledged that Kris had disrespected me and the rights of the public, but you can bet the minutes will obfuscate what really transpired in the meeting that went overtime by nearly an hour. Kris tried to defend himself, but it was obvious that ALL the commissioners realized they had crossed far over the line by operating outside of the law.

Kris Payne is on power trip and totally out of control. Audio recordings, witnesses, and factual evidence validate all my claims and averments. Does any of this sound

**EXHIBIT B**

familiar? It should, because that's the modus operandi of the River Mafia Mob and certain members of the BOS, county counsel, and even the CAO who have aided and abetted the same unethical, fraudulent, and unlawful behavior for decades.

Kris Payne is NOT a volunteer—he is an appointee of the BOS and is bound by his Principle Agent Oath of Office. His unlawful conduct represents a problem as well as a liability to the county. When this Board has knowledge of wrong doing, but fails to take corrective action, then you become complicit and liable. Maintaining the status quo is not an option. The only solution is that Kris Payne needs to be removed from the Parks & Rec Commission in order to send a strong message that such conduct will not be tolerated.

Pursuant to the Brown Act I assert my rights to receive a public answer while I'm at a podium as to how and when the Board intends to deal with Mr. Payne's unlawful conduct.

Madam Clerk: Please enter these documents into the public record:

- 1) This transcript
- 2) Brown Act Rights of the Public

Brian, I wish to bring to your attention that the incriminating audio of the 2/3/20 Parks & Rec Commission meeting *still has not yet been posted* to the government calendar. It will be necessary for you to listen to both the December 19th and February 3<sup>rd</sup> PRC audios in order to validate my claims and averments against Kris Payne violating the Brown Act and my First Amendment rights. It appears County Counsel has something to hide...

You should also be aware the 1/16/20 PRC was suddenly cancelled on 1/15/20 due to alleged "equipment failure." However when I asked Vickie Sanders why the meeting wasn't just moved across the street as they had done in the past, she claimed "*That wasn't how County Counsel wanted to handle it.*" A primary item on the January 16<sup>th</sup> PRC agenda addressed the issues of Conflict of Interest brought up by other concerned citizens. *That entire agenda has since disappeared and was replaced with a cancellation notice.* It's the same situation with the disappearing BOS video and altered minutes concerning Agenda 21 brought up during the December PRC meeting.

We have reason to believe the real reason the January 16<sup>th</sup> PRC meeting was suddenly cancelled was due to the issues brought up during the December meeting, as well as Kris Payne's discrimination, bully tactics, and participation in serial meetings which the Brown Act strictly prohibits, particularly as it affects the River Management Plan.

It is a fact that Lori Parlin has aligned herself with Kris Payne, the River Mafia Mob, and American River Conservancy who have black-listed and disenfranchised river residents. It is also apparent that the CAO and all Parks & Rec Commissioners have NOT been operating transparently or in accordance with EDC core values, meanwhile catering to special interest groups, violating the Brown Act and their oaths of office. "*Oh, what a tangled web they weave, when first they practice to deceive!*"

Any act by any public official either supports and defends the Constitution, or opposes and violates it. Your representative to the Parks & Rec Commission, Kris Payne, represents a liability to the county and needs to be removed without further delay. As a reminder, you agreed to respond in writing regarding the effective date of his removal prior to the target date we discussed in your office on February 6th. Please, no interference by county counsel. Is that understood by you?

Madam Clerk: Please enter this document into the public record.

**EXHIBIT C**