

8/23/2017

Edcgov.us Mail - 8/24/17 Planning Commission Agenda Item #4 - Villa Florentina SUP

PC 8/24/17
#4
32 pages



Charlene Tim <charlene.tim@edcgov.us>

8/24/17 Planning Commission Agenda Item #4 - Villa Florentina SUP

Melody Lane <melodylane771@gmail.com>

Tue, Aug 22, 2017 at 5:51 PM

To: jvegna@edcgov.us, James Williams <james.williams@edcgov.us>, brian.shinault@edcgov.us, gary.miller@edcgov.us, jeff.hansen@edcgov.us, Jim Mitrisin <jim.mitrisin@edcgov.us>, charlene.tim@edcgov.us

Cc: brian.veerkamp@edcgov.us, Michael Ranalli <michael.ranalli@edcgov.us>, shiva.frentzen@edcgov.us, sue.novasel@edcgov.us, john.hidahl@edcgov.us, Donald Ashton <don.ashton@edcgov.us>, edc.cob@edcgov.us

Jim & Char:

Note I have tried sending this 4 times from my regular Reagan.com email but it keeps bouncing back as undeliverable. Please confirm receipt of this message.

Please ensure the attached evidence is posted to Legistar and the 8/24/17 Planning Commission Agenda Item #4 – Villa Florentina SUP:

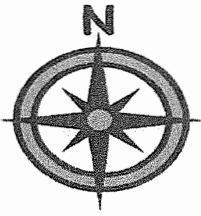
4. 17-0278 Hearing to consider Special Use Permit S10-0009/Villa Florentina Bed & Breakfast to determine if there is substantial evidence that the Special Events conducted on the site are not in compliance with the Conditions of Approval and determine if a hearing should be set to modify or revoke the Special Use Permit on property identified by Assessor's Parcel Number 006-132-28, consisting of 3.57 acres, in the Coloma area; and staff recommending the Planning Commission take the following actions: 1) Find that there is substantial evidence that the Special Events conducted on the site are not in compliance with the Conditions of Approval for Special Use Permit S10-0009; and 2) Direct staff to set a hearing to modify or revoke Special Use Permit S10-0009. (Supervisorial District 4) (cont. 3/23/17, Item #5)

Melody Lane

Founder – Compass2Truth

Any act by any public officer either supports and upholds the Constitution, or opposes and violates it.

 8-24-17 PC Villa Florentina SUP Revo.pdf
13123K



Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

August 21, 2017

TO: EDC Planning Commissioner Jon Vegna
Commissioner Brian Shinault
Commissioner James Williams
Commissioner Gary Miller
Commissioner Jeff Hansen

RE: 8/24/17 Planning Commission Hearing Item #4 - Villa Florentina SUP

Dear Planning Commissioners,

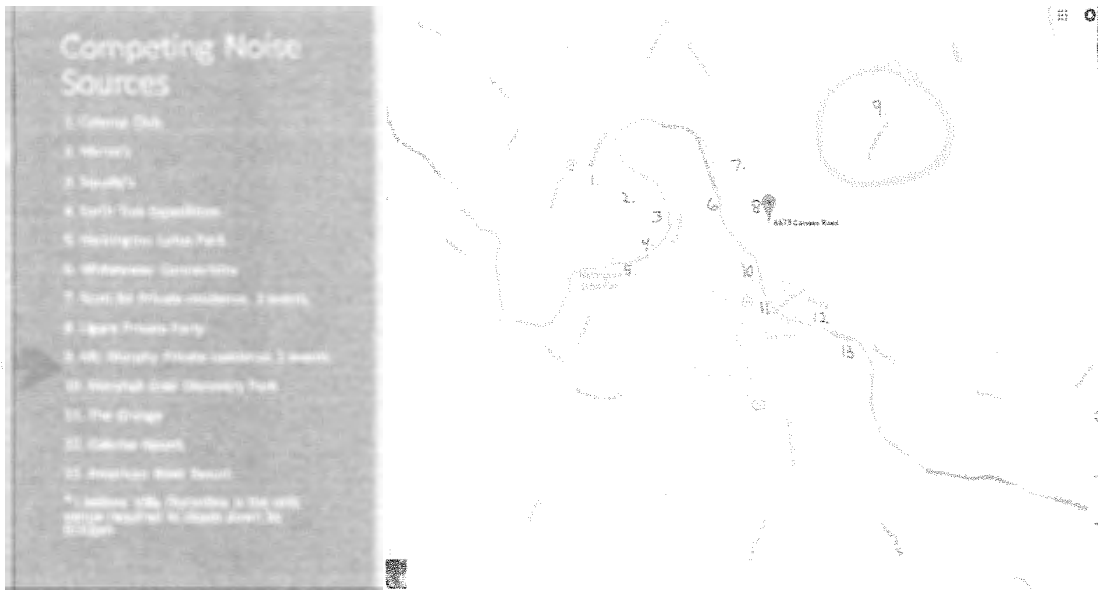
Adam Anderson, owner of the Villa Florentina B&B in Coloma, is no exception to the law. Every citizen has the right to live in peace and safety. The River Management Plan (RMP) is a major component of the EDC General Plan. As such, the RMP contains stringent regulations concerning the six-mile Quiet Zone of the S. Fork American River (SOFAR).

As business representative to the River Management Advisory Committee (RMAC), Mr. Anderson has an apparent conflict of interest and has perpetually abused the authority delegated to him by the Board of Supervisors. River residents have never been properly represented by RMAC since its inception, and Code and Law Enforcement as mandated by the RMP has been virtually non-existent for decades. Consequently all the business establishments along the river know that EDSO has never been responsive to citizen complaints of disturbances of the peace and/or SUP violations. Thus the "business as usual" status quo has been maintained for over 30 years to the detriment of residential property values.

Furthermore, Mr. Anderson doesn't live anywhere near Coloma, let alone in proximity to the river, making it even less feasible for him to properly monitor, let alone manage, the frequent noise violations that have plagued Coloma residents for decades. Despite the March 23rd Planning Commission hearing, it has become apparent to local residents that he has no intention of abiding by the laws, ordinances, regulations or statutes that govern the Quiet Zone of the SOFAR.

During the March 23rd Planning Commission hearing Mr. Anderson falsely accused me of holding two competing noise events at my home identified as location #9 on his power point presentation. It is noteworthy that his presentation was not posted until after the hearing. For clarification, never in the 20 years I've lived in Coloma have I ever held any outdoor amplified events, nor was I allowed by the Planning Commissioners to repudiate Mr. Anderson's false allegations. It was evident Mr. Anderson was acting in retaliation against neighbors for whistleblowing. This matter subsequently resulted in a legal notification served upon Planning Commissioner Miller. (See Exhibit A)

Page 1 of 4



Furthermore, the March 27th Mountain Democrat article was a blatant misrepresentation of the 3/23/17 Planning Commission hearing orchestrated by the Chamber Political Action Committee (CPAC). The Channel 13 public relations stunt, plus special considerations given to Mr. Anderson during the 3/21 BOS Open Forum, perpetrated sympathy and certainly generated profitable revenues in support of his plight. In reality, his problems are of his own making. <http://sacramento.cbslocal.com/tag/villa-florentina/>

Special Use Permits are a major component of the RMP, especially as they pertain to restrictions required of all business establishments within the Quiet Zone of the S. Fork American River. Comments made by Roger Trout during the March 23rd Planning Commission hearing regarding the Villa Florentina SUP raised several red flags, particularly Mr. Trout's evident reluctance to respond to numerous requests for the written "3-strikes" SUP policy. A policy that doesn't exist cannot be enforced. (See Exhibit B – Mtn. Demo article)

The BOS has been made aware of the frequent Special Use Permit restrictions and violations defined within the River Management Plan affecting the quality of life for river residents within the Quiet Zone. This has been the subject of our numerous meetings with county staff, yet the failure of government representatives to effectively address and remedy these community concerns represents blatant dereliction of duty. (See Exhibit C1 – C5)

On July 25th a Special RMAC meeting was held in the Marshall Gold Discovery Park Museum to discuss the RMP Update. Mr. Anderson chaired that meeting along with his friend and co-chair, Nate Rangel. Essentially the meeting was conducted "ultra vires" (outside of the law) and total chaos ensued. In retaliation for exposing his unlawful behavior Mr. Anderson repeatedly interrupted and directed false allegations against me.

On August 14, 2017 another RMAC meeting was held at the BOS regarding the River Management Plan. Mr. Anderson again acted as chairman and moved to approve the falsified minutes of 7/25/17 Special RMAC meeting held in MGD. Besides arguing and interrupting, he failed to abide by the Brown Act or Roberts Rules of Order and denied me First Amendment rights to due process. Additionally Mr. Anderson abused his position as chairman using it as a bully pulpit, claiming he "abides by the rules and restrictions" of his Villa Florentina SUP. *His comments had nothing to do whatsoever with the issues being discussed.*

Furthermore, Mr. Anderson is bound by his Principle Agent Oath of Office to provide honest services. Notably, Mr. Anderson refused me the right to respond publicly by foreclosing meaningful public dialog concerning the purposeful cover up of government malfeasance, thus maintaining the status quo. The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**. Mr. Anderson failed this requirement, thus he has violated two provisions of the First Amendment, the Public Trust, and perjured his oath. Fraud, in its elementary common-law sense of deceit, is the simplest and clearest definition of that word.

Yet another excessively loud amplified event took place April 29, 2017 at the Villa Florentina. The location of the excessively loud event was confirmed by a neighbor, Jim Goodspeed. Although EDSO has a notoriously bad reputation of not responding to disturbances of the peace, that incident was still reported to Dispatch for the record @ 2:34 PM and CFS# 042917-99 was assigned. Dispatch was called again at 4:21 when there was no response from a deputy. I was informed by Dispatch that there were not enough bodies, and they were very busy. That is the typical EDSO response. At 6:00 Deputy Hartfield called. He was extremely rude, and pretended he couldn't hear me or wasn't listening when I asked, "Do you copy?" The deputy laughed and interrupted me. He then began making noises that sounded like cellophane being crumpled into the receiver and apparently began talking to someone else. When I asked, "What's going on?" he wouldn't respond and then hung up. That incident of excessive noise emanating from Villa Florentina was reported to the BOS on May 16, 2017 when Sheriff D'Agostini was in the audience.

River residents within the Quiet Zone pay for public services they are not receiving. Lack of response by Code or Law Enforcement, and the reticence of EDSO to issue noise citations, only perpetuates the problem of unmitigated SUP violations further encouraging the "ultra vires" operation of other concessionaires (outside of the law).

Accordingly, the Board of Supervisors has been reminded on several occasions of AB1234 Mandatory Ethics Training for Public Officials, wherein it states in part:

- The law provides only minimum standards for ethical conduct. Just because a course of action is legal, doesn't make it ethical/what one ought to do.
- Because of the breadth of federal anticorruption law, avoid any temptation to walk closely to the line that divides legal from illegal conduct under state law. Even though a course of action may be lawful under the state law, it may not be lawful under federal law.
- Conduct the public's business in open and publicized meetings, except for the limited circumstances when the law allows closed sessions.
- Allow the public to participate in meeting, listening to the public's views before decisions are made.
- Cannot retaliate against those who whistle-blow.
- Must conduct public hearings in accordance with due process principles.
- The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.
- Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.
- Violating the conflict of interest laws could lead to monetary fines and criminal penalties for public officials. *Don't take that risk.*

Mr. Anderson has unethically used, and abused, his position as RMAC business representative for his own personal benefit. As Planning Commissioners, it is your duty to set the example for government transparency and Good Governance principles.

Accordingly it is our recommendation that the Planning Commission put a stop once and for all to the unmitigated SUP violations within the Quiet Zone of the SOFAR by revoking the Villa Florentina SUP.

Sincerely,



Melody Lane
Founder – *Compass2Truth*

Attachments:

- Exhibit A – Planning Commissioner Gary Miller Affidavit
- Exhibit B – 3/27/17 Mtn. Democrat “Villa Florentina gets reprieve”
- Exhibit C1-C5 – EDC meeting agendas re: RMAC & SUPs

CC: CAO Don Ashton
Roger Trout, Planning & Development Services
Supervisor Michael Ranalli
Supervisor Shiva Frentzen
Supervisor Brian Veerkamp
Supervisor Sue Novasel
Supervisor John Hidahl

AFFIDAVIT/DECLARATION OF TRUTH

Gary Miller, District #2 Planning Commissioner
El Dorado County Planning Commission
330 Fair Lane
Placerville, CA 95667

Mr. Miller,

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, and is hereby made and sent to you pursuant to the Federal Constitution, specifically, the Bill of Rights, in particular, Amendments I, 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 May 8, 2017, I sent you, Gary Miller, El Dorado County District #2 Planning Commissioner, via USPS certified mail, a letter which you received on May 9, 2017, and which I entered into the public record during the May 9, 2017 Board of Supervisors meeting. That letter, attached hereto 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, Gary Miller, as District #2 Planning Commissioner and Chairman, support and uphold them or would rebut them.

Exhibit A

Pursuant to the lawful notification contained in that letter, as I originally stated therein, and as cited and included by reference herein, you were required to respond to and rebut anything contained in the attached May 8th letter with which you disagreed, within thirty (30) days of receipt thereof. You failed to respond with specificity and thereby failed to rebut anything stated therein with truth, fact, valid evidence and law. Therefore, pursuant to the referenced lawful notification, you tacitly admit to all of the statements, charges and claims contained therein, fully binding upon you in any court, without your protest, objection or that of those who represent you.

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

- 1) During the March 23rd Planning Commission hearing, I was discriminated against by you, Commissioner Gary Miller. You permitted certain individuals to speak in excess of ten minutes, yet you denied me equal rights when you repeatedly interrupted, harassed, and refused to allow me to respond to blatantly false statements publically made against me, particularly those made by RMAC business representative and Villa Florentina B&B owner, Adam Anderson. Acting as judge, jury and executioner, you conducted the hearing in a manner that demonstrated bias, prejudice, abuse of authority, and your Principal Agent Oath of Office. In so doing, I was harmed by your actions and deprived of due process.
- 2) Audio recorded statements made by you were read verbatim into the public record during the April 11, 2017 Board of Supervisors meeting. **(See Exhibit A)** They substantiated your overt discrimination and violations of the Brown Act. You have no authority whatsoever to arbitrarily engage in dialog with some citizens, or discriminately refuse to dialog with others. Then, during the April 13th Planning Commission hearing, I addressed the aforementioned grievances mandating appropriate dialog, scheduling the topic for a future meeting, and requested remedial action as required by law and specified under the Brown Act, Sections 54954.2(a) and 54954.3. Again you deprived me of the right to due process.
- 3) On multiple occasions the topic of Planning & Development Services Director Roger Trout's "3-Strikes" policy was addressed during Planning Commission hearings. Audio recordings affirm that you, Commissioner Gary Miller, stated, *"There isn't a 3 strikes policy!"* Then on April 13th, you permitted Roger Trout to speak out of turn and provide testimony in defense of his 3-strikes position. *A policy that doesn't exist cannot be lawfully enforced.* 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, maintaining the status quo.

- 3
- 4) During the April 13th hearing, I specifically addressed my concerns about malfeasance to you and Commissioner James Williams. Instead of responding directly to my request, you made it a point to defer all responses to Planning & Development Services Director, Roger Trout, and Counsel David Livingston. Neither Roger Trout nor Counsel has any authority to respond on your behalf, nor was it appropriate for Counsel to give his opinion and/or interpretation of the law. 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.
 - 5) As Chairman for the Planning Commission, it has been brought to your attention on numerous occasions, as well as to the Board of Supervisors, that county staff is habitually submitting erroneous data and/or false information regarding Planning Commission decisions and recommendations made to the Board of Supervisors. This topic was again specifically addressed during the June 22, 2017 Planning Commission RMAC Workshop/Hearing. Decisions made by the Board of Supervisors based on deliberately falsified information and collusion, adversely affect all EDC Citizens, thus, undermining the public trust in local government. Having knowledge of wrong doing, and 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. Depriving the public of honest services is a federal crime. 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.
 - 6) 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 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.

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.

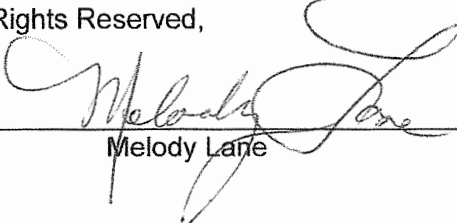
Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut that with which you disagree, with

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 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 #2 Commissioner Gary Miller, in any court of law in America, without your protest, objection or that of those who represent you.

Further Affiant sayeth naught.

All Rights Reserved,

By:  Date: 6/26/17
Melody Lane

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

(See attached California Notarization)

Attachments:

Exhibit A – May 8, 2017 letter to Gary Miller

CC: Dist. #1 Supervisor John Hidahl
Dist. #2 Supervisor Shiva Frentzen
Dist. # 3 Supervisor Brian Veerkamp
Dist. #4 Supervisor Michael Ranalli
Dist. # 5 Supervisor Sue Novasel
EDC Planning Commissioners Williams, Hanson, Vegna and Shinault
EDC District Attorney Vern Pierson
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 Sierravieja)

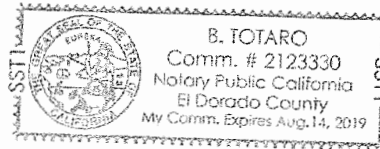
Subscribed and sworn to (or affirmed) before me on this 26 day of June, 2017
Date Month Year

by Y. Mody J. Lane

Name of Signer

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

Signature: B. Totaro
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/Declaration of Truth

Document Date: 6/26/17

Number of Pages: 4

Signer(s) Other Than Named Above: _____

*Melody Lane
Compass2Truth
P.O. Box 588
Coloma, CA 95673*

May 8, 2017

Gary Miller, District #2 Planning Commissioner
330 Fair Lane
Placerville, CA 95667

Mr. Miller,

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, 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 also pertain to your actions taken regarding violations of the California Ralph M. Brown Act and deprivation of my rights pursuant to your Principal Agent Oaths of Office. When I use the term "public officer(s)", this term includes you.

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*. It is a fact that your Principal Agent oath requires you to support the national and state Constitutions and the rights of the people secured therein.

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.

As principal, Supervisor Shiva Frentzen has delegated authority to you, Gary Miller, to act on her behalf, as her agent. When any public officer has knowledge of wrongdoing, yet, fails to take corrective action, then, that public officer aids and abets the unlawful action of the agent, thereby maintaining the status quo, and thus becomes complicit and liable. As you have been made aware, 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.

Your Principal Agent Oath of Office requires you to uphold and support the Constitution of the United States of America, and pursuant to your oath, you are required to abide by that oath in the performance of your official duties. You have no constitutional or other valid authority to defy the Constitution, to which you owe your LIMITED authority, delegated to you by and through the People.

On March 18, 2017, correspondence and accompanying evidence was submitted by me to the Planning Commission, Development Services Director Roger Trout, and the Board of Supervisors regarding the upcoming March 23rd Planning Commission hearing relevant to the revocation of the Villa Florentina Special Use Permit and multiple violations of the River Management Plan. (See Exhibit A)

Prior to the hearing Commissioner Williams and I spoke on the phone. It was agreed that the Commission would ask Roger Trout to produce the SUP revocation "3-strikes policy" in writing. That policy is vitally pertinent to the River Management Plan and El Dorado County Law/Code Enforcement.

During the March 23rd hearing, discrimination was evident when you allowed certain individuals to speak in excess of ten minutes, but denied me due process when you repeatedly interrupted, harassed, and refused to allow me to respond to blatantly false statements publically made against me by RMAC representative and Villa Florentina owner, Adam Anderson. Furthermore, none of the commissioners ever requested that Roger Trout provide the 3 strikes policy in writing, as previously agreed. Acting as judge, jury and executioner, you essentially turned the hearing into a kangaroo courtroom, thus, mocking the Citizens and the constitutions to which you swore an oath of allegiance.

It became evident after the hearing in the course of conversation with you that none of those materials had been read by the Planning Commissioners prior to rubber-stamping their unanimous decisions made during the March 23rd Planning Commission hearing, nor were they properly posted to the government website. Afterwards, I conversed at length with District #4 Commissioner, James Williams, about your hostile attitude and March 23rd hearing anomalies. Mr. Williams concurred with my assessment of the situation by encouraging me to request in writing that the Planning Commission decisions made that day be appealed and reversed for lack of due process.

Subsequently, on March 29, 2017 I addressed a letter to Supervisors Shiva Frentzen and Michael Ranalli. Pursuant to my questioning of your voting rationale and unprofessional conduct during the March 23rd hearing, one example citing your own verbatim words from that correspondence was read into the public record during the April 11, 2017 BOS meeting. (See Exhibit B):

"I don't really need to explain to you what I did...I don't need to justify myself to you. You get what I give you!...I suggest you make a complaint to the BOS & have me removed. That would break my heart!...There isn't a 3 strikes policy! I know there's no such policy!...There is nothing in the Brown Act that says you can talk 3 or 5 minutes. One of the unique things about being a Chairman is you don't get to tell me what I can do!...Sounds like you are threatening to take me to court...County Council was right there. I assure you, that if I was in violation of the Brown Act he would have said something."

All five Planning Commissioners also received via email a copy of the March 29th correspondence concerning specific violations of your Principal Agent Oath of Office, the Brown Act, and due process. It is noteworthy that although the materials had been emailed prior to the April 13th Planning Commission hearing, the said correspondence was not distributed by Char Tim until just moments before said hearing commenced, nor was sufficient time even given to the Commissioners to read the materials before the hearing commenced. (See Exhibit C)

During the April 13th Planning Commission hearing, I addressed the aforementioned grievances which mandates appropriate dialog, scheduling the topic for a future meeting, and remedial action as required under the Brown Act, Section 54954.2(a), which states in part:

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).)

You were also reminded that the Planning Commissioners and the Board of Supervisors have been regularly apprised that they are routinely receiving false

information from the River Management Advisory Committee, Development Services, Parks & Recreation staff, and the CAO. When I asked if you had any questions or further comments, you audibly replied, "No." It soon became evident by your openly hostile demeanor that you had no intention whatsoever to respond to repeated requests to address the problems, schedule the matter for a future meeting, or to take remedial action.

Such abuse of power and actions against me constitute obstruction of justice and due process. In the course of our dialog, it is significant that you mentioned your fear of being sued. Apparently you were aware that any enterprise undertaken by any public official 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.

Just one example is Roger Trout's fraudulent 3-Strikes policy which you, Commissioner, Gary Miller, referred to on multiple occasions stating, *"There isn't a 3 strikes policy!" A policy that doesn't exist cannot be lawfully enforced.* Then on April 13th, you permitted Roger Trout to speak out of turn and provide testimony in defense of his 3-strikes position. Notably, you refused me the right to respond publicly by foreclosing meaningful public dialog for purposeful cover up of government malfeasance and thus maintaining the status quo.

Collusion between departments is a major factor in depriving Citizens of their right to access public information and due process, topics discussed extensively in meetings with Sheriff D'Agostini and District Attorney, Vern Pierson. Following is Clerk to the Board, Jim Mitrisin's, 3/24/17 reply to another constituent's CPRA requesting Mr. Trout's 3-Strikes policy, *"There are no records responsive to your request. I phoned the Planning Department to learn more and was informed the reference to "1,2,3" was made by an applicant and restated by Mr. Trout regarding steps taken to address a use permit issue. You may want to contact Mr. Trout for additional information."*

Additionally, repeated requests that I made to appeal and reverse the aforementioned 3/23/17 Planning Commission decisions were blatantly ignored. During the April 13th hearing, I specifically addressed my concerns of malfeasance to you and Commissioner James Williams. Instead of responding appropriately to my request, you made it a point to defer all responses to Development Services Director, Roger Trout, and Counsel David Livingston. Neither Roger Trout nor Counsel has any authority to respond on your behalf, nor was it appropriate for Counsel to give his opinion and/or interpretation of the law.

In violation of the Brown Act and your Principal Agent Oath of Office, you thus deprived me the right to due process, to testify and address the Planning Commission specifically for the purpose of redressing grievances, to wit:

The Preamble of the Ralph M. Brown Act states:

"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."

It further 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.

It has been brought to your attention on numerous occasions by *Compass2Truth* that county staff is habitually submitting erroneous data and/or false information regarding interrelated issues to the Board of Supervisors. Consequently, decisions made by the Supervisors that are based on deliberately falsified information will ultimately adversely affect all EDC tax payers, thus, undermining the public trust in local government.

It is apparent that the public's input has been reduced to irrelevancy by how the Planning Commission votes unanimously, and/or rubber-stamps Consent items, thereby demonstrating that public meetings are little more than dog and pony shows with predetermined outcomes designed to falsely give the public an impression of government transparency and accountability.

Depriving the public of honest services is a federal crime. My claims, statements and averments also pertain to your actions taken regarding 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. If he fails this requirement, then, he has violated two provisions of the First Amendment, the Public Trust and perjured his oath.

Additionally, 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 his government officers 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.

Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters, 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 harm the Citizens by their errant actions, and then refuse to respond to or rebut petitions from Citizens, then, those public officers, as are you, 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.***

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 1st 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.

Anytime public officers, such as you, pursuant to their oaths, violate Rights guaranteed to Citizens in the Constitutions, they act outside their limited delegated authority, thus, perjure their oaths, and by their own actions, invoke the self-executing Sections 3 and 4 of the 14th Amendment; thereby vacate their offices and forfeit all benefits thereof, including salaries and pensions.

As stated previously, actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By your 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

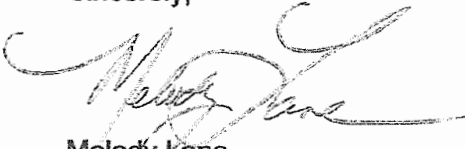
upon the actions taken and what exists on the public record, it is impossible for any public officer to defend himself against treason committed. See: 18 USC § 241 - Conspiracy against rights. See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.

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,

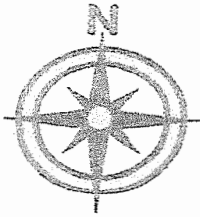


Melody Lane
Founder - *Compass2Truth*

Attachments:

Exhibit A – March 18, 2017 Villa Florentina Evidence
Exhibit B - March 29, 2017 SUP/RMP Planning Commission Hearing letter
Exhibit C – 4/12/17 Request to pull items from Consent for discussion & action

CC: District #1 Supervisor John Hidahl
District #2 Supervisor Shiva Frentzen
District #3 Supervisor Brian Veerkamp
District #4 Supervisor Ranalli
District #5 Supervisor Sue Novasel
Planning Commissioners, Districts 1, 3, 4 & 5
Development Services Director Roger Trout



Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

March 18, 2017

El Dorado County Planning Commission
C/o Development & Planning Services
2850 Fairlane
Placerville, CA 95667

RE: Villa Florentina Bed & Breakfast SUP #S10-0009 Violations & Revocation

Dear Commissioners,

I have been a resident of Coloma for nearly 20 years living close to the intersection of Carvers and Mt. Murphy Roads located within the Quiet Zone of the S. Fork American River. Not only can we hear excessively loud events emanating from Villa Florentina, residents are frequently bombarded simultaneously by multiple amplified events at the Coloma Resort and other surrounding campgrounds. (See Exhibit A)

Egress in the event of an emergency is also cause for concern frequently expressed by neighbors on the north side of the Mt. Murphy Road Bridge. This becomes a public safety issue when large events create traffic jams.

The Quiet Zone as described in the River Management Plan (RMP) begins at Indian Creek above Coloma, and ends at Greenwood Creek below Rivers Bend. RMP noise restrictions apply to the river rafters as well as to campgrounds, business establishments, and private property owners. The majority of residents moved to Coloma for the peace and quiet of the rural lifestyle. The purpose of the Quiet Zone is to respect the rights and reasonable expectations of adjoining landowners.

The specifics of SUPs and requirements are delineated in Sections 4 through 8 of the RMP. Section 8.2 of the RMP states only the County Sheriff's Department has the authority to fine and enforce County Code violations involving private campgrounds and private land owners. Should a resident desire to obtain a Temporary Use Permit (TUP) for a special amplified music event, they would be required to pay a fee to obtain a permit through the Sheriff's Department. To date, Public Record Act requests for information reveal there have only been about a dozen TUPs issued by EDSO over the course of more than 15 years, most of them held at Henningson-Lotus Park. None have ever been issued for Villa Florentina.

Significantly excessively noisy events, such as those emanating from Villa Florentina, have negative impacts not only upon the quality of life of residents living within this stretch of the river, but also upon the value of neighboring homes. The historic failure of the county to apply consequences for SUP violations as per the RMP exacerbates the problem of unacceptable levels of noise. The campgrounds, businesses, and event

Exhibit A

coordinators expect Code and Law Enforcement to turn a blind eye and deaf ear to resident's complaints; hence business continues as usual in EDC.

Noise violations within the Quiet Zone have been a bone of contention in our community long before I even moved here. Once it was realized what a problem SUP violations actually were, I joined others in circulating petitions for SUP revocations and volunteered as secretary for the Community Clamor Committee (CCC). The purpose of the CCC was to mitigate the frequent SUP violations, lack of appropriate monitoring within the Quiet Zone, and to develop a plan of action to bring the offending parties into compliance. Because these meetings could get very contentious, I invited law enforcement to actively participate as per the RMP. Note it is not necessary to have a decibel meter or hire a professional to determine the level of noise. (See Exhibit B)

The minutes of the CCC meetings were integrated into the RMP, but in essence the county failed to recognize and/or take any remedial action. Consequently bully tactics were applied against anyone who dared complain about disturbances of the peace. Ultimately the Sheriff's Department and Code Enforcement failed miserably to abide by the requirements of the RMP. Again, business continued as usual.

Every resident has a right to live in peace and safety. Therefore in 2010 we began meeting with Sheriff D'Agostini as well as County and CA State Parks personnel to further develop a plan of action to mitigate the RMP noise problems and associated concerns that have plagued our community for decades.

It is significant that Adam Anderson, owner of Villa Florentina, is the Business Representative for the River Management Advisory Committee (RMAC). I was accompanied by four individuals to the September 14, 2015 RMAC meeting. Supervisor Ranalli was also present. The purpose of the agenda item I'd specifically requested was to address RMP violations and recommend revocation of the SUPs to the Planning Commission. In addition to multiple audio recordings, my four witnesses can attest Adam Anderson falsely accused me of using profanity while I was quietly seated in the audience. Adam has failed to demonstrate integrity, and in fact, has a conflict of interest as delegate to RMAC. (Please refer to Consent Item #2 for the RMP to be pulled & removed.)

Using RMAC as a bully pulpit, it became evident RMAC delegates had colluded with county personnel to set up and publicly discredit me and the organization, *Compass2Truth*. Consequently that incident became the subject of meetings with County Counsel, Supervisor Ranalli and other EDC staff. (See Exhibit C)

Please ensure that the Planning Commission REVOKE the SUP for Villa Florentina Bed & Breakfast.

Sincerely,



Melody Lane
Founder of *Compass2Truth*

Attachments:

Exhibit A – Trout letters to American River Resort & Coloma Resort

Exhibit B - EDSO Examples of Sound Levels

Exhibit C - 11/14/16 RMP Public Comments

CC: Roger Trout
Supervisors Districts #1, 2, 3, 4 & 5



Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

March 29, 2017

TO: District #4 Supervisor Mike Ranalli
District #2 Supervisor Shiva Frentzen

CC: EDC Planning Commissioners
CAO Don Ashton
Supervisor Brian Veerkamp
Supervisor Sue Novasel
Supervisor John Hidahl

RE: 3/23/17 Planning Commission Hearing – RMP & Villa Florentina

Dear Supervisors Frentzen & Ranalli,

Please ensure the entirety of this correspondence is posted to Public Comments for Villa Florentina SUP scheduled for the August Planning Commission hearing. The following comments apply to the 3/23/17 Planning Commission Consent Item #2 – RMP Update & Implementation, and Item #5 – Villa Florentina SUP hearing:

Note I did not address Mike Ciccozzi during the 3/28/17 Open Forum. My purpose in specifically addressing Supervisor Ranalli and Chair Frentzen was to briefly dialog, as permitted under the Brown Act, and receive a public response as to scheduling the item on the BOS calendar for public dialog and remedial action by the BOS.

Refer to the Brown Act § 54954.2(a) and § 54954.3 (c) which state in part,

“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...These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such prohibition promoted discussion artificially geared toward praising and maintaining the status quo, thereby foreclosing meaningful public dialog... 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.”

Additionally, based upon the BOS knowledge of falsified data submitted by Parks & Recreation staff member Noah Rucker-Triplet and CSD Director Roger Trout, and the subsequent denial of the public's due process, I

E. L. H. I. T.

Page 1 of 4

17-0278 Public Comment
PC Rcvd 08-23-17

also submit this request to appeal and reverse the 3/23/17 Planning Commission Consent Item #2 unanimous vote to:

- 1) Approve 2016 Annual Report to implementation of RMP; and
- 2) Recommend continued implementation of the River Management Plan as currently prescribed

Prior to the hearing sufficient evidence was submitted for the #5 Villa Florentina SUP and request to pull from Consent Item #2 RMP Update. Apparently those materials were not read by the commissioners or properly posted to the government website. My records indicate one of the emails I had submitted was NOT posted to #5 Villa Florentina SUP. Lucky I had those materials with me which I presented three times to Char Tim during the hearing before she finally accepted them into the public record. *Also significantly omitted was Adam Anderson's power point presentation that falsely targeted my home as a "noise hot spot" on a map of the river.*

You, our elected officials, are responsible to deal directly and transparently with the constituents whom you profess to serve. *Counsel has no authority whatsoever to respond on behalf of the BOS or any other EDC employee, nor is it appropriate for Counsel to give his opinion and/or interpretation of the law.* Mike Ciccozzi's comment to post missing documents *after the public hearing* is a typical form of discrimination artificially geared toward praising and maintaining the status quo, thus *denying the public their right to due process.* As such Mike Ciccozzi's reply was unacceptable.

Adam Anderson is not an exception to the law or any of the RMP restrictions in the Quiet Zone of the S. Fork American River. Adam has an apparent conflict of interest with RMAC, and in the presence of Supervisor Ranalli, Adam has proven his lack of integrity. Mr. Anderson has abused the authority delegated to him by you, the entire Board of Supervisors.

Furthermore, The Mountain Democrat article was a blatant misrepresentation of the 3/23/17 Planning Commission hearing orchestrated by the Chamber Political Action Committee (CPAC). Commission Chairman Gary Miller turned the Villa Florentina hearing into a biased kangaroo courtroom. The Channel 13 public relations stunt, plus special considerations given to Adam during the 3/21 BOS Open Forum, perpetrated sympathy and certainly generated profitable revenues in support of his plight.

<http://sacramento.cbslocal.com/tag/villa-florentina/>

Supervisor Frentzen, you especially need to be aware that District #2 Commissioner Gary Miller violated the Brown Act in addition to being discriminatory, disrespectful and arrogant during the 3/23/17 Commission hearing. I was the *only person whom he harassed*, demonstrating exactly the same unacceptable behavior as Ron Mikulaco while he was Chairman of the BOS. Gary's mocking attitude while we spoke Tuesday evening was bizarre, abrasive and unreasonable. This is just a sampling of some of his comments when I questioned his voting rationale and unprofessional conduct during the hearing:

"I don't really need to explain to you what I did...I don't need to justify myself to you. You get what I give you!...I suggest you make a complaint to the BOS & have me removed. That would break my heart!...There isn't a 3 strikes policy! I know there's no such policy!...There is nothing in the Brown Act that says you can talk 3 or 5 minutes. One of the unique things about being a Chairman is you don't get to tell me what I can do!...Sounds like you are threatening to take me to court...County Council was right there. I assure you, that if I was in violation of the Brown Act he would have said something."

It is troubling that Commissioner Miller remarked about his fear of being sued. Similar comments were made by Kim Kulton during the February 15th CL Fire Safe Council. Some of the same community members at the CL FSC meeting addressed the 3/23/17 Planning Commission hearing as mentioned in the Mtn. Democrat

article concerning the Villa Florentina SUP. This is an issue that Supervisor Ranalli and Roger Trout have taken great pains to avoid addressing, particularly as it involves the RMP, SUP violations, Code & Law Enforcement, and related public safety issues in Coloma.

Comments made by Roger Trout during the Villa Florentina hearing raised several red flags, particularly his evident reluctance to respond to numerous requests for the written "3-strikes" Special Use Policy. How can a policy be enforced if it doesn't even exist?

Over the years we had met with Roger Trout, Sheriff D'Agostini, Supervisor Ranalli, Supervisor Briggs, Don Ashton and County Counsel on several occasions to discuss the 3 strikes policy and related code and law enforcement matters. However all meetings proved to be exercises in futility primarily because Roger Trout and Supervisor Ranalli remained unresponsive to constituent concerns about SUP enforcement affecting the entirety of El Dorado County.

Finally a District #4 constituent who couldn't be present for the hearing submitted a CPRA for the 3 strikes policy. It wasn't until 3/28/17 that I received the following response to the CPRA:

There are no records responsive to your request. I phoned the Planning Department to learn more and was informed the reference to "1, 2, 3" was made by an applicant and restated by Mr. Trout regarding steps taken to address a use permit issue. You may want to contact Mr. Trout for additional information.

Thank you,
Jim Morrison
Clerk of the Board

Special Use Permits are a major component of the RMP, particularly restrictions put upon business establishments within the Quiet Zone of the S. Fork American River.

During the hearing when District #4 Commissioner James Williams addressed concerns discussed prior to the hearing, Noah Rucker-Triplett made some disturbing comments and revealing admissions concerning the River Management Plan. Noah stated RMAC isn't required to respond to the public, nor had the RMAC held any meetings since the Annual November 2016 RMAC. That meeting was in reality less than 25 minutes in duration with only three members of the public present, me included. Additionally there was no Annual RMP Update submitted to the Planning Commission for the year 2015.

Commissioner Williams made the astute observation that the RMAC can't advise the BOS if they aren't meeting or the RMAC issues aren't publicly vetted. However Chairman Miller recommended approval of the RMP as submitted by staff. Subsequently the Commission unanimously approved the RMP despite the apparent discrepancies which had been brought to their attention. Apparently the facts didn't matter; business as usual. Thus the public was denied due process in violation of the Brown Act and legal mandates within the RMP.

The BOS has been made aware of the frequent RMP violations and safety aspects affecting the quality of life for river residents within District #4. Yet your failure to effectively address and remedy these issues is dereliction of duty making you complicit in their perpetuation.

Accordingly, you've been reminded on more than one occasion of AB1234 Mandatory Ethics Training for Public Officials, wherein it states in part:

- The law provides only minimum standards for ethical conduct. Just because a course of action is legal, doesn't make it ethical/what one ought to do.

- *Because of the breadth of federal anticorruption law, avoid any temptation to walk closely to the line that divides legal from illegal conduct under state law. Even though a course of action may be lawful under the state law, it may not be lawful under federal law.*
- *Conduct the public's business in open and publicized meetings, except for the limited circumstances when the law allows closed sessions.*
- *Allow the public to participate in meeting, listening to the public's views before decisions are made.*
- *Cannot retaliate against those who whistle-blow.*
- *Must conduct public hearings in accordance with due process principles.*
- *The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.*
- *Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.*
- *Violating the conflict of interest laws could lead to monetary fines and criminal penalties for public officials. Don't take that risk.*

Included as an attachment is the Ron Mikulaco Declaration-Affidavit referenced above. It should serve as a wake-up call to all public officials to take their Constitutional Oaths seriously. Don't forget, you work for us.

In anticipation of your cooperation and in accordance with Constitutional principles I look forward to your prompt response.

Sincerely,



Melody Lane
Founder – *Compass2Truth*

Attachments:

1. 3/27/17 Villa Florentina Mtn. Democrat article
2. Ron Mikulaco Declaration-Affidavit

Melody Lane

From: Melody Lane <melody.lane@reagan.com>
Sent: Wednesday, April 12, 2017 3:35 PM
To: shiva.frentzen@edcgov.us; Michael Ranalli; James Williams; gary.miller@edcgov.us
Cc: 'Donald Ashton'; jeff.haberman@edcgov.us; jeff.hansen@edcgov.us;
brian.shinault@edcgov.us; planning@edcgov.us; 'Roger Trout'; 'Roger Niello';
brian.veerkamp@edcgov.us; sue.novasel@edcgov.us; john.hidahl@edcgov.us; Jim
Mitrising; bosfive@edcgov.us; bosfour@edcgov.us; bosone@edcgov.us;
bosthree@edcgov.us; bostwo@edcgov.us
Subject: Please pull from 4/13/17 Planning Commission Consent Item #1 for public discussion
Attachments: RMP Villa Florentina SUP 3-29-17.pdf
Importance: High

Please ensure the following Item #1 is pulled from the 4/13/17 Planning Commission Consent Agenda for public discussion and appropriate action as required under the Brown Act, § 54954.2(a) and § 54954.3(c):

1. 17-0380 Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of March 23, 2017.

As per the attached letter, the public has been denied due process as required by law. This topic was addressed to the BOS & Planning Commission on 3/30/17, but in violation of your Constitutional Oath of Office, was again ignored and diverted during yesterday's 4/11/17 BOS meeting.

Melody Lane
Founder – Compass2Truth

Any act by any public officer either supports and upholds the Constitution, or opposes and violates it.

Exhibit₁ C

<http://www.mtdemocrat.com/news/villa-florentina-gets-reprieve/>



The El Dorado County Planning Commission has granted a temporary reprieve to Villa Florentina, a bed and breakfast and event center, after it put off deciding whether a future hearing should be held to either modify or revoke the business's special use permit.

News

Villa Florentina gets reprieve

By Dawn Hodson

From page A1

Villa Florentina got a temporary reprieve from the El Dorado County Planning Commission on March 23 after it put off deciding whether a future hearing should be held to either modify or revoke the business's special use permit.

There to persuade the commission members one way or another was a large audience consisting of frustrated neighbors of the Coloma based bed and breakfast and event center as well as supporters from the business community.

Villa Florentina currently has permission for up to 189 guests and a maximum of 20 events per calendar year. Events are limited to the months of April through October and can only be held from 9 a.m. to 9:30 p.m.

Adam and Angela Anderson are the owners and have been running it for a year after having bought it in 2015 from another owner who also ran it as a bed and breakfast.

Planning staff noted that since May of 2016 they had received multiple complaints from neighbors regarding violations of the special use permit. The complaints include excessive noise, incorrect location of sound systems, operation outside of the allowed hours and the location of special event activities.

In response, Villa Florentina was sent three letters last year informing the owners that they weren't in compliance. Roger Trout, Development Services Division director, said the department has a three strike policy which is why the item was before the commission.

The Andersons submitted an application to revise the existing special use permit and increase the bed and breakfast from three guest rooms to four; add additional non-amplified events per year, in addition to the

EXHIBIT B

20 amplified events currently approved; extend the event use to year round; allow use of a microphone and amplifier on the ceremony lawn for wedding ceremonies limited to one half hour; add "health and wellness resort" to the business description to accommodate special health and wellness events and extend the hours for amplified noise to 10 p.m. on weekends during daylight savings time.

Making his case, Adam Anderson said in response to complaints, he had blackballed disc jockeys who didn't follow the conditions of the use permit and hired a professional acoustic engineering firm to determine the sound level put out by the speakers used at events.

He now bans the amplification of ceremonies on the lawn area and said he is continuing to work on being in compliance. At the same time, he pointed out his events are the only ones required to shut down by 9:30 p.m. while surrounding businesses aren't.

Responding to Anderson were a large number of neighbors who complained of the amplified music, noisy crowds and traffic from events at the business.

One of those was Robin Smay who lives immediately north of Villa Florentina. She hired her own sound consultant to do a study of an event and found the noise levels exceeded the maximum level allowed by the county for almost the entirety of the event. She also supplied a detailed log of the noise levels during different events. Exchanging frequent emails with Anderson about the issue, she said he made apologies and promises but those went unfulfilled.

Paul Bollard, the acoustical consultant hired by Smay, was also in the audience. He testified there were consistent violations of the county noise ordinance and at times the noise was 20 decibels over the permitted level.

Bob Day, a resident who said he lives even further away – 1.57 miles by his calculations – also complained of the loud music. In addition he worried what would happen in the event of a fire as everyone would have to use the Mount Murphy Bridge.

Suzie Matin, a State Park peace officer at Marshall Gold Discovery Park, submitted her comments in an email to the planning department. She wrote, "On many occasions while on closing patrol or getting ready to go home I could hear music coming from Villa Florentina. In the summer season I usually work until 2100 hours ... Most of the time, the music and DJ were so loud that I could sing along with the music and clearly hear every word the DJ said. On one occasion I heard the DJ say, "They are saying we are too loud. So let me hear everyone scream!"

Matin added that on more than one occasion, wedding parties at the facility would take photos on park property or on the Mount Murphy Bridge. She noted commercial photography at the park is prohibited unless a permit is obtained. "Villa Florentina said that they advise their groups that they may not use park property but I have personally seen them bring people over to park property in their golf cart. When they photograph on the bridge they are impeding traffic on a public roadway."

A different email complaint from Katherine Anders called Villa Florentina a neighborhood nuisance. "The noise level is completely out of hand," she wrote. "The windows in my house vibrate from the noise when they are having an event. It even disturbs the animals – my dogs start crawling under my bed during events. It is extremely annoying and nerve-wracking."

However, the Andersons also had their defenders. A woman whose daughter was married at Villa Florentina said they did everything they could to keep the noise level down.

Laurel Brent-Bumb, CEO of the El Dorado County Chamber of Commerce, said the county is becoming a major tourism-recreation destination and businesses like Villa Florentina are an important part of the

local economy. Saying the Andersons are still new at the business, she went on to say that Adam wants to be a good neighbor and also complimented him for how active he is in the community.

Alisyn Gularte, the marketing director for the Placerville Downtown Association, echoed those comments, calling the business an economic catalyst for the county.

Sandy Stringer, a wedding planner said in an email, "For all the time that I have known the owner Adam Anderson I have found him to be considerate and committed to our community ... Villa Florentina is an asset to our community and should be allowed to continue to operate under their current permit. Adam runs a good business and provides great value to his guests and to the county."

Other people who do business with the Andersons spoke favorably of his consideration and of the benefit and revenue he brings to the county in addition to how his company generates revenues for local businesses such as dress and flower shops.

However, despite the praise, Gary Miller, Chair of the Planning Commission, reiterated the staff finding that the original SUP had been violated. At the same time, he said he wanted to try to come up with a plan that would work, adding he didn't want to run the Andersons out of business.

In response, Anderson said he would have a sound survey conducted of four events, saying he hoped it would provide a solution to the noise issue. He also promised to keep guests off the bridge. However, he asked that they be able to continue to hold ceremonies and receptions on the lawn area as they had already booked 15 weddings and there was no other place to hold them.

The commission then voted unanimously to continue the hearing to Aug. 24. By that time the sound study and staff analysis should be completed. At that time the commission will decide if a hearing to revoke or modify the SUP will be held.

EDSO – MGDG Meeting Agenda

August 16, 2011

1. Public Safety – Identify “Hot Spots”
 RMAC – Coloma – MGDG – Cronan – Kanaka Valley

2. Scope of Agencies/Authority
 - Need to coordinate services w/needs of citizens
 - DOT – Park – F&G – Cal Fire

3. Navigating Obstacles to Resolution
 - RMAC – Brown Act Violations
 - Blacklists?
 - Unresponsiveness of government agencies

4. Coordination of Code & Law Enforcement
 - Move to higher level of legislative involvement
 - Fines & Consequences
 - \$150 Fire Fee Repeal
 - Citizen Arrests? – Emergency Preparedness Training?
 - Watchdog Orientation

Exhibit C-1

Roger Trout, Development Services – Pierre Rivas, Planning Services

8/9/12 @ 10:00 AM

- I. Planning Petition – 6/4/02
Revocation Process

- II. Code & Law Enforcement
Sgt. Bernie Morton – forward info?
Violations 2012 < ?

- III. RMAC
Censoring of minutes
July minutes – Institutional Permits revoked
Greg Stanton/Env. Mgt. –
Stonewalling
S. Fork Newsletter?

- IV. ARR & CR SUPs
Who authorized 7/25 Toe Up Cup event?
Documentation – Code Violations
Annual Renewal Process

- V. Follow Up Mtg.
MGDP/EDSO
CAO/Env. Mgt.
Planning Services/Code Enf.
Legislators

Exhibit C-2

EDSO, MGD, Planning SUP Agenda

September 4, 2012

- I. **RMP Subject to Brown Act – 4 Entities:**
 1. Federal – BLM
 2. State – CA State Parks, F&G
 3. Local – BOS, Planning, Env. Mgt., MGD
 4. NGOs – ARC, Sierra Conservancy, Chamber of Commerce (AB42)

- II. **3 Tiers – Planning/Code Enforcement**
 1. Restaurants – Coloma Club Brawl
 2. Special Events – ARC Trailfest & Wakamatsu music events
 3. Campgrounds
 - a) American River Resort – Toe Up Cup 7/25
 - b) Coloma Resort – Gunshots/Fireworks 7/4

- III. **RMAC – SUPs**
 1. CA State Parks
 2. Environmental Management – No response from G. Stanton
 3. Planning/Dev. Services – Stonewalling – Fees & Easements

- IV. **Code & Law Enforcement**
 1. Restoring Trust & Improving Community Relations
 - a) Retaliation
 - b) Media Manipulation
 2. Consequences – Property Values, privacy, easements, eminent domain
 3. Transparency & Accountability
 - a) MOUs
 - b) Ordinances
 - c) Documentation
 - d) Planning Commission – P&Ps (decibel meters, sound chart, software)

- V. **Next Steps & Follow Up Target Dates**
 1. EDSO & MGD
 2. CAO-DOT/Environmental Management/Planning

Exhibit C-3

Agenda
8-3-16 @ 4 PM
Don Ashton – Mike Ranalli – Roger Trout

- I. RIVER MANAGEMENT PLAN
 - A. RMAC Representation
 - 1) EDSO
 - 2) MGDP
 - 3) Resident
 - B. Brown Act Violations
 - a. 9/14/15 meeting (attendees)
 - b. MGDP Rep. Bill Deitchman – absent/approved minutes
 - c. 5/26/16 MGDP Special Meeting
 - d. 7/11/16 Lotus Fire House > 8/8/16
 - C. RMP Update
 - 1) EDSO Revisions
 - 2) BLM/CA State Parks
 - 3) Ranalli strategy

- II. CODE/LAW ENFORCEMENT
 - A. EDSO Jurisdiction
 - B. SUPs
 - 1) Code Enforcement coordination w/EDSO (John Desario replaced Jim Wassner)
 - 2) Documentation
 - 3) Complaint process > responsibility?
 - 4) Consequences/Revocations
 - 5) Retaliation

- III. CPRAs
 - A. Oaths of Office
 - B. CAO/County Counsel
 - C. Violations – Late/non-compliant responses

- IV. FOLLOW UP
 - A. Remedy & Expectations
 - 1) CAO
 - 2) Mike Ranalli
 - 3) Roger Trout
 - 4) EDSO
 - B. Next meeting target date:

Exhibit C-4

May 17, 2017
Michael Ranalli, Bard Lower, Barry Smith (MGDP)

- I. Coloma Lotus Fire Safe Council
 - A. Bill Deitchman, Tim Kulton, Deborah Kruse
 - B. CL News
 - 1) Media
 - 2) Rural Communities Coalition

- II. Public Safety
 - A. Trespassing
 - B. Hang gliders
 - C. Egress
 - D. DOT – Cal Trans
 - 1) Mt. Murphy Road maintenance
 - 2) Hwy 49

- III. River Management Plan (RMP = River Mafia Politics)
 - A. RMAC representation
 - 1) EDC Parks & Recreation
 - 2) Falsified reports & data
 - B. MGDP – BLM – American River Conservancy
 - C. SUPs – Code & Law Enforcement
 - D. Jurisdiction
 - E. Retaliation

- IV. Remedial Action
 - A. Oaths of Office – Principle Agent Oaths of Office
 - B. Accountability
 - C. Follow up

Exhibit C-5