

Kim Dawson

From: melody.lane@reagan.com
Sent: Tuesday, February 27, 2024 3:35 PM
To: BOS-Clerk of the Board; Kim Dawson; Lori Parlin; George Turnboo; Brooke Laine; John Hidahl; Wendy Thomas; Shelley Wiley; Mark Treat; BOS-District V; BOS-District IV; BOS-District I; BOS-District III; BOS-District II
Cc: Joseph Carruesco; David A Livingston; Richard Esposito; Noel Stack
Subject: 2/27/24 BOS Open Forum Public Comments - Taxpayers/Planning Commissioners
Attachments: ML_Affidavit 2 Andy Nevis.pdf; ML_Kris Payne Affidavit 5-2020.pdf; Carol Louis-Todd White post DEDCP 2-24-24.docx

Please ensure the entirety of my below comments, and the attached documents, are entered into the 2/27/24 BOS Open Forum.

I hereby exercise my 1st Amendment right to petition the BOS for redress of grievances concerning the violations of oaths of office, and abuse of other public policies, by Planning Commissioners Andy Nevis and Kris Payne. The attached un rebutted affidavits stand as fact before any court in America, necessitating the BOS and HR Director Joseph Carruesco take action to terminate Mr. Nevis and Mr. Payne.

Under SB 807, California law requires that documented complaints, such as this, be investigated and retained in the employee's personnel file for a minimum of four years. In the event of a lawsuit, an employer may be required to produce these records. Failure to do so can lead to fines and other adverse actions.

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In 2011 we met with Sheriff D'Agostini for our first quarterly meeting when he said, *"You need a new Board of Supervisors. All of them. Hold their feet to the fire. Mine too; !work/oryou."* Not only did I hold the Board's feet to the fire, it soon became necessary to hold the Sheriffs feet to the fire...

During a 2013 BOS meeting I quoted the Sheriff, and that's when retaliation began in earnest to censor and unlawfully deprive my First Amendment rights by ordering IT to block my ability to communicate electronically with EDSO. Shortly thereafter CAO Don Ashton also ordered IT to block my IP Server from all county staff, except for the BOS and Department Heads. However, it should come as no surprise that even the BOS and Department Heads still refuse to appropriately respond to my PRAs or correspondence. Such lack of transparency and accountability ultimately results in costly lawsuits, **at taxpayers' expense**, that could be avoided by simply abiding by the law.

Similarly, the officers of the Taxpayers Association have adopted the same unlawful and unconstitutional tactics as Sheriff D'Agostini and the BOS.

During recent BOS meetings I've apprised you of the continuous fraud, discrimination, harassment, and censorship by the officers of the Taxpayers Association. Lori Parlin regularly attends these meetings and reports out to the BOS. The Association meetings are tightly controlled by **Andy Nevis and Kris Payne who are Lori Parlin's and George Turnboo's appointed Planning Commissioners**. However, Secretary Todd White is

usually AWOL, which means he hasn't been taking minutes to be made publicly available as required by law. Citizens have a right to know that the same "public servants" colluded in the illicit January 9th, 2021 kangaroo court spearheaded by **Andy Nevis** at Ponderosa High School for the purpose of impugning my good name and fraudulently ousting me from the Association in retaliation for whistleblowing.

Despite Leo Cauchon's valid objections during yesterday's Taxpayers meeting concerning violated parliamentary procedures and bylaws, Kris Payne announced that another secretive meeting of directors will be held on March 11th at Ponderosa High. Following the same dictatorial BOS pattern, Kris rudely diverted Leo's concerns and abruptly censored him, just as I have been censored for "holding their feet to the fire." Therefore, I'm submitting into the public record notarized affidavits addressed to Kris Payne and Andy Nevis substantiating ample evidence for the BOS to take action and terminate their paid positions as Planning Commissioners.

1. Payne affidavit
2. Nevis Affidavit
3. Carol Louis/Todd White post Debating EDC Politics

HDxf..

Founder - **Compass2Truth**

"There are none so blind as those who will not see. The most deluded people are those who choose to ignore what they already know."~ Thomas Chalkley, 1715 ~

AFFIDAVIT/DECLARATION OF TRUTH

Andrew Nevis, Dist. #4 Planning Commissioner
El Dorado County
330 Fair Lane
Placerville, CA 95667

I, Melody Lane, the undersigned, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and swear, under my oath and under the pains and penalties of perjury under the laws of the United States of America and of California, that I am of legal age and of sound mind and hereby attest that the statements, averments and information contained in this Affidavit/Declaration are true and correct to the best of my knowledge.

This Affidavit/Declaration of Truth is lawful notification to you, Andrew Nevis, 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 Bill of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23 and Article 3, section 1, which requires your written rebuttal to me, in kind, specific to each and every point of the subject matter stated herein, within 15 days, via your own sworn and notarized affidavit, using true fact, valid law and evidence to support your rebuttal of the specific subject matter stated in this Affidavit/Declaration.

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 and that of those who represent you. Your silence is your acquiescence. See: *Connally v General Construction Co., 269 US. 385, 391. Notification of legal responsibility is "the first essential of due process of law."* See also: *US v Tweet, 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."*

When I use the term "public officer(s)", this term includes you, Andy Nevis, El Dorado County District #4 Planning Commissioner and employee of the California Water Resources Control Board. Any act committed by you either supports and upholds the Constitutions, national, and state, or opposes and violates them. Your oath of office requires you to support and uphold the national and state Constitutions, and therefore you are constitutionally mandated to abide by that oath in the performance of your official duties. You have no Constitutional authority, or any other form of valid, lawful authority, to oppose and violate the very documents to which you swore or affirmed your oath and by

which you were delegated by the people the limited authority to conduct the duties of your office. These three above stated positions are true, factual, lawful and constitutionally ordained.

However, despite the above-stated factual, lawful positions, your unconstitutional actions, as described throughout this Affidavit/Declaration of Truth, clearly demonstrate how you, Andy Nevis, have violated all of the above lawful positions, the Constitutions, your oath of office, acted against the public good by violating the public trust and committing sedition and insurrection. Pursuant to your unlawful and unconstitutional actions, you have invoked the self-executing Sections 3 & 4 of the 14th Amendment to the national Constitution, and thereby have lawfully vacated your office and forfeited all benefits thereof, including salary and pension. Please note that, as stated above and below, if you fail to specifically rebut, in kind, any of the charges, claims and positions set forth in this Affidavit/Declaration, by means of your own sworn notarized Affidavit, supported by truth, fact, valid law and evidence, then you tacitly admit to them, and these admissions will be lawfully used against you. The following paragraphs and others throughout this Affidavit/Declaration describe some of your unlawful, unconstitutional actions, which have harmed me and others.

CLAIMS AND AVERMENTS:

The Supreme Law and superseding authority in this nation is the national Constitution, as declared in its Article VI. In Article IV, Section 4 of the same Constitution, every state is guaranteed a republican form of government. ALL "laws", rules, regulations, codes, ordinances, and policies which conflict with, contradict, oppose, or otherwise violate the national and state Constitutions are null and void, ab initio. (Refer to *Marbury v. Madison*: "*The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law.*") The Constitution is one of the founding documents of this nation and enshrines its underlying religious and personal freedoms based on the 20 centuries of Christian thought and the principles of Biblical Natural Law. You have no constitutional or any other valid authority to defy the Constitution, to which you owe your LIMITED authority, delegated to you by and through the People, and to which you swore your oaths.

1. On December 4, 2020 I sent you, Andrew Nevis, an Affidavit/Declaration via USPS certified mail tracking number 7017-0660-0000-5528-1671 which you received on December 7, 2020, and it was entered into the public record on December 15, 2020. Notification of legal responsibility is the first essential of due process of law, and un rebutted affidavits are admissible as factual evidence in any court in America.

That Affidavit was sent to inform you of specific events and statements made by you, and also as an inquiry to ascertain whether you, Andrew Nevis, support and uphold them or would rebut them. Pursuant to the lawful notification contained in that Affidavit, as I originally stated therein, you were required to respond to and rebut anything contained in the Affidavit with which you disagreed, within 15 days of receipt thereof. Your failure to respond, as stipulated, was your lawful, legal, and binding tacit agreement with and admission to the fact that everything in the Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America without your protest or objection and that of those who represent you.

See: *Connally v. General Construction Co.*, 269 U.S. 385,391. Also, see: *US. v. Twee!*, 550 F. 2d. 297, supra "

Since receiving that initial affidavit your arrogant conduct and deprivation of my First Amendment rights have not abated. If you disagree with anything in this affidavit, then state your disagreement in writing and prove it with truth, fact, valid law and evidence, which is an absolute impossibility of which both you and I are well aware, as are your superiors who will read this.

2. In addition to serving as El Dorado County District #4 Planning Commissioner, you are also a public servant employed by the CA Water Resources Control Board. Your salary is paid for via my taxes, therefore you work for me and the other tax paying Citizens of El Dorado County. 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:

"The Oath of Office is a quidpro quo contract in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions} in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, conspiracy under Title 28 U.S.C., Title 18 Sections 241, and 242, treason under the Constitution at Article 3, Section 3, and intrinsic fraud... "

All actions by public employees whether conducted in the performance of their official duties, or in associated activities such as your role as President of the Taxpayers Association of El Dorado County, either support and defend the national and state Constitutions, or oppose and violate them. AU public employees must demonstrate the highest standards of morality and ethics consistent with the requirements of their positions and consistent with the law. You are expected to uphold these principles, being **ever conscious that public office is a public trust**. Any enterprise undertaken by any public employee, 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. By your continued unlawful actions, you have committed fraud on numerous occasions, as herein described.

You, Andrew Nevis, have conspired with Directors of the Taxpayers Association, and other public officials, to censor me and maliciously impugn my good name and reputation solely because I have had the temerity to exercise my rights and civic duty to challenge those who brazenly dare to infringe on my God-given liberties and violate rights guaranteed to the people in the state and national Constitutions.

In so doing, you perjured your oath by violating my Constitutionally guaranteed Rights, particularly 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 national and state, and in treason against the People, in the instant case, me. *See: USC Title 18. § 241- Conspiracy Against Rights.*

3. It is the duty of every Citizen to demand that government employees, such as you, specifically perform pursuant to the constitutional mandates contained within their oaths, 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.

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. Following are just a few examples:

You are aware that I have been a paid General member of the Taxpayers Association of El Dorado County since 2008. You've also been made aware that I've been the victim of multiple hate crimes, armed intrusions, threats, and acts of violence by individuals who are known to oppose my Christian values and conservative political affiliations with Capitol legislators. Prior to retiring I was employed at the Capitol and am still actively involved in Capitol ministries. It is a matter of public record that I have been holding local officials' "feet to the fire" for violating their Constitutional oaths of office ever since founding the whistleblower organization *Compass/Truth* in 2009.

The Taxpayers Association is open to the general public and frequently attended by public officials, many of whom are the guest speakers. It is also a matter of public record that the following Directors of the Taxpayers Association have threatened me, discriminated against me, or unlawfully deprived me equal benefits of membership: Sr. Services Attorney Al Hamilton, V.P. Chris Payne, Secretary Todd White, Bill George, Bill Carey, Bernard Carlson, and former Supervisor Jack Sweeney. You, Mr. Nevis, are demonstrating their same unlawful actions by your regular censorship and discrimination against me, a well-known third generation evangelical senior citizen and Constitutional activist.

More specifically, you censored me when I attempted to address Assemblyman Frank Bigelow and BOE representative Ted Gaines during Taxpayer Association meetings. On many occasions you've refused to recognize my raised hand, ignored my verbal and written inquiries, or disrespectfully cut me off in mid-sentence. Furthermore, your censorship tactics dilute the intent of public participation in candidate forums. Case in point was during the May 16, 2022 Taxpayers Association candidate forum for Superior Court Judge. You are cognizant this has been an extremely sensitive issue at all other candidate forums where Citizens are denied the First Amendment Right to ask the hard and revealing questions that would enable them to make intelligent decisions prior to voting for candidates. In so doing you have deprived me of my inherent Rights, violated your oaths in addition to all of the provisions within the Taxpayers Objectives, Bylaws, and Policies and Procedures.

4. 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. Any enterprise undertaken by any public official, such as you, which tends to weaken

public confidence and undermine the sense of security for individual rights, is against public policy. Fraud, in its elementary common law sense of deceit, is one of the meanings that fraud bears.

On several occasions you audibly stated during Taxpayers meetings that Todd White would include me in distributions of all monthly schedules of speakers, but it is evident you lied. You are aware that Mr. White has been unresponsive to my requests to examine records, refuses to provide me public services, and has spewed vulgarities at me in the presence of public officials. Furthermore you have aided and abetted Mr. White's unlawful conduct.

It is apparent you have an ax to grind since you have consistently deprived me of honest services and the exercise of my equal right to access Taxpayers Association records as outlined in the Bylaws/Policies and Procedures. The Association is required to abide by all local, state and federal laws. Despite numerous demands, neither you nor Todd White ever provided me with specific documents and meeting minutes which the Bylaws clearly state the public has a right to examine. By your obstructive actions against me, you demonstrated flagrant bias and discrimination against me in violation of equal treatment under local, state and federal laws. *See United States v. Dial, 757 R2d 163, 168 (7th 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.*

All of the facts, claims and charges stated herein clearly demonstrate that you, Andy Nevis, pursuant to your oaths, acted outside the lawful scope of your limited duties and constitutional authority; therefore, you acted on your own, as a private Citizen and renegade, outside of any governmental protection and/or immunity, whatsoever. You acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me. Thus you, as an individual, will be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights.

5. It is my duty to demand that you and other government officials uphold their oaths to the Constitution(s) and abide by all constitutionally-imposed mandates of their oaths. This is an unenumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

Additionally the public is entitled to honest services. Any deceptive, obstructive enterprise undertaken by any public official that tends to weaken public confidence and undermines the sense of security for individual rights is against public policy and against the Supreme Law of the land. 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 USC Title 18, § 2071 - Concealment, removal, or mutilation generally. See also: United States v. Dial, supra, - Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. See also: Morrison v. Coddington, 662 P.2d. 155, 135 Ariz. 480 (1983) - Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth. [Emphasis added]*

6. On November 16, 2020 you posted on Facebook and distributed a 1.08 minute video clip of me silently serving Sheriff D'Agostini two affidavits. Taking the video clip out of context. you then tagged Sheriff D'Agostini, Supervisor Shiva Frentzen, Supervisor Brian Veerkamp,

Supervisor Sue Novasel, Supervisor John Hidahl, District Attorney Vern Pierson, Commissioner James Williams, and Commissioner Gary Miller in a deliberately malicious and defamatory attack upon my character. It is a matter of public record that each of those individuals received notarized affidavits exposing their roles in government corruption.

Additionally you had no lawful authority whatsoever to hold a subsequent tribunal at Ponderosa High School on January 9th, 2021 for the purpose of taking "disciplinary action" against me pertaining to the delivery of those affidavits to the Sheriff which is the first essential of due process of law. You know perfectly well that I did absolutely nothing appropriate in the exercise of my Constitutional rights. It is evident your actions have been retaliatory in nature for my whistleblowing. On numerous occasions I have requested the minutes of that meeting identifying the participants which I have reason to believe included public officials, but my demands to access those records have been met with silence indicating that you have something to hide. In fact, since you assumed leadership the Association is run more like a secret society.

Furthermore, I do not appreciate Mr. White's disrespectful slurs while in your presence, especially when he called me a "f**king bitch" and told the other members of the Association to "just ignore her"-all captured on audio. You need to be reminded that you are not an agent or spokesperson for Mr. White, the Sheriff, or any other public official. In so doing, you egregiously harmed me by conspiring with county officials and other individuals to suppress my inherent right of free speech, preventing and/or restricting my access to government officials, and depriving me of information or services necessary to assist my efforts for redress of grievances-all lawful actions on my part that fall under the protections of the First Amendment. See *Miller v. US.*, 230 F2d. 486,489 "The claim and exercise of a Constitutional right cannot be converted into a crime." See also USC 18 § 241 and USC 18 § 242, respectively. *Conspiracy Against Rights and Deprivation of Rights Under Color of Law.*

7. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths which violated due process of law. The American people, including me, are constitutionally guaranteed the rights of life, liberty and property that cannot be taken from us except through due process of law. Due process is a sworn duty of any public official. You extended absolutely no due process of law whatsoever to me, yet by your unconstitutional actions, as described herein, you deprived me the blessings of freedom and hanned me in direct violation of your oaths. Your repeated deprivations of my right to lawfully access records and your discriminatory actions against me, a law-abiding American Citizen dwelling in El Dorado County, are a direct assault upon my due process rights secured in the national and state Constitutions, including those secured in the First Amendment. Thus, your egregious violations of due process of law render you personally responsible and liable for your actions, because you have stepped outside the lawful scope of your limited duties and authority, usurped authority not possessed, and act as a renegade.
8. You are aware that I have been a paid member of the Taxpayers Association since 2008. The public is welcome to attend Taxpayers meetings, but it is apparent I am not afforded equal treatment, benefits of membership or the blessings of freedom. Constitutionally-secured inherent rights and due process of law are guaranteed to me and all American Citizens. By conspiring with other government officials to deprive me the blessings of freedom, you have denied me due process of law as stated within the Bill of Rights. Constitutionally-compliant due process of law clearly requires that ALL Constitutionally-secured rights and ALL aspects of

due process of law be upheld. Your repeated attempts to bully, discredit, defame, and censor me are in defiance of the Constitution(s), and your discriminatory actions are a direct assault upon my due process rights in the Constitutions, including rights secured in the First Amendment. The requirements of *Twee/*, cited above, are incumbent upon you in both your personal and professional capacities. By your own actions, pursuant to your oaths, you have violated these First Amendment guarantees, betrayed the Public Trust, and perjured your oaths of office, to wit:

"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)).

By stepping outside of your delegated authority, you lost any "perceived immunity" and you will be sued for your wrongdoing against me, personally, privately, individually and in your professional capacity, as can all those in your jurisdiction, including your supervisors and anyone having oversight responsibility for you, 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.

9. As described herein, you have discriminated and retaliated against me, a retired law-abiding American Citizen and third generation evangelical. Therefore disciplinary actions are in order for violating the following sections of the State of California Ethics Policies under Government Code 19572:

(m) Discourteous treatment of the public or other employees.

(t) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the appointing authority or the person's employment.

(w) Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age, against the public or other employees while acting in the capacity of a state employee.

(x) Unlawful retaliation against any other state officer or employee or member of the public who in good faith reports discharges, divulges, or otherwise brings to the attention of, the Attorney General, or any other appropriate authority, any facts or information relative to actual or suspected violation of any law of this state or the United States occurring on the job or directly related thereto."

10. You are a Planning Commissioner appointed by District #4 Supervisor Lori Parlin. As such, you have repeatedly violated the below EDC Code of Ethics, thus your unethical actions are a direct assault upon my rights secured by the First Amendment and are grounds for termination, to wit:

301. CODE OF ETHICS The County has adopted a Code of Ethics to guide County officers and employees in the performance of their duties. The Code of Ethics, in effect as of the date of adoption of these Rules, reads as follows:

(t) Treat all individuals encountered in the performance of your duties in a respectful, courteous, and professional manner.

(i) Faithfully comply with all laws and regulations applicable to the County and **impartially apply them to everyone.**

(j) Promote the public interest through a responsive application of public duties.

(k) Demonstrate the highest standards of personal integrity, truthfulness, and honesty in all public activities.

(l) Uphold these principles being ever conscious that **public office is a public trust.**

302. RESPONSIBILITIES OF PUBLIC SERVICE County officers and employees serve for the benefit of the public. **They shall uphold and adhere to the Constitution of the United States, the Constitution of the State of California, and the El Dorado County Charter,** as well as all County rules, regulations, and policies, and **shall carry out impartially the laws of the nation, state, and County. In their official acts, they shall faithfully discharge their duties, recognizing that the public interest is paramount. All County officers and employees must demonstrate the highest standards of morality and ethics consistent with the requirements of their positions and consistent with the law.**

303. DEDICATED SERVICE County officers and employees shall adhere to work rules and performance standards established for their positions. The County requires all County officers and employees to be courteous and considerate, to be accurate and truthful in statement, and to exercise sound judgment in the performance of their work.

304. CONFLICT OF INTEREST During their assigned work hours, County officers and employees shall devote all their time and efforts to their assigned duties. No County officer or employee shall:

(a) Engage in any business or transaction or have a financial or other personal interest or association that is inconsistent, incompatible, in conflict with, or adverse to the proper discharge of official duties, or would tend to **impair their independence of judgment** or the performance of their official duties.

305. NON-DISCRIMINATION IN DELIVERY OF SERVICES In the course of their employment, no County officer or employee shall grant any special consideration, treatment, or advantage to any person beyond what is available to every other person in similar circumstances.

308. POLITICAL ACTIVITY In the performance of official duties, all County officers and employees shall support County governmental policies and objectives established by the Board of Supervisors or by an appointing authority, as well as County programs developed to attain these policies and objectives. Outside of official duties, County officers and employees may express otherwise lawful opinions on all political subjects

while off duty, without recourse against them, unless the employee is in a sensitive or policy-making position in a department where speech and political activities may have an adverse effect on working relationships or the efficient operation of the department. Under these unique circumstances, the law authorizes limiting First Amendment rights as a requirement for the job, and employees may be subject to adverse consequences for engaging in such activities.

309. ABUSIVE CONDUCT IN THE WORKPLACE The County is committed to maintaining a work environment in which all individuals are treated with respect and dignity. The County is committed to providing a work environment that is free of abusive conduct and will take reasonable steps to promptly correct abusive conduct. As a general guideline, abusive conduct can be avoided if employees act professionally and treat each other with respect. The following further defines the County's policy and complaint procedures related to abusive conduct in the workplace. The County has zero tolerance for any conduct that violates this policy. Therefore, any violation of this policy may lead to disciplinary action, up to and including termination from County employment. The County encourages all employees, applicants, candidates, elected or appointed department heads, volunteers, and members of the public to report any conduct that they believe violates this policy as soon as possible.

309.2 Examples of Abusive Conduct The County considers the following types of behavior examples of abusive conduct: County of El Dorado Personnel Rules Adopted February 26, 2019 3-5:

(I) Spreading malicious rumors, gossip, or innuendo that is untrue. Such conduct can also occur via use of electronic or telephonic communications, such as the internet/social media, email, chat room, a threatening text message or telephone call, or cameras or video equipment.

309.4.1 Investigation of Complaints The appointing authority, Director, and/or the Personnel Review Committee will be responsible for determining whether a complaint of abusive conduct should be addressed under this Rule 309 or the Board of Supervisors Policy E-5, Policy Prohibiting Discrimination, Harassment, and Retaliation, and Reporting and Complaint Procedures. The results of the investigation (i.e., whether the evidence establishes a violation of this Rule 309, but not the nature of any discipline) shall be disclosed to the complainant and the accused employee(s). If, in its sole discretion, the County determines that abusive conduct occurred, the appointing authority shall take prompt and effective remedial action commensurate with the severity of the offense(s) which may include coaching, mediation, counseling intervention, other required training for the employee(s) determined to have violated this Rule 309, and/or disciplinary action up to and including employment termination.

1502. CONDUCT All County employees are expected to **render the best possible service that will reflect credit upon the County.** The highest standard of conduct is essential to the proper operation of the County service. The County has the right and authority to establish work standards for all officers and employees. Any officer or employee may be dismissed, suspended, or reduced in rank or compensation for cause.

1503.1 Discipline - The appointing authority may suspend without pay, reduce in pay, demote, or **dismiss** any employee who has attained post-probationary status for reasonable cause, including but not limited to:

(d) **On-duty or off-duty conduct, including, without limitation, crimes that do not fall within paragraph (c) above, that**

(i) **tends to bring the County service into disrepute, or**

(ii) **is a direct hindrance to the effective performance of County functions;**

(e) **Disorderly or immoral conduct;**

(k) **Violation of any of the provisions of applicable law, regulation, these Rules, or County policies;**

(p) **Dishonesty or theft;**

(q) **Violation of the County's Code of Ethics;**

(t) **Discourteous treatment of the public; County of El Dorado Personnel Rules Adopted: February 26, 2019 15-3**

(w) **Unlawful harassment, unlawful discrimination, or retaliation against another employee, an applicant for employment, or anyone using County services; and**

(x) **Any other conduct of equal gravity with the above.**

11. When public officers harm Citizens by their errant actions, and then refuse to respond to or rebut petitions from Citizens, as you have also done, 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 limited 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 personal and professional capacities, 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. *See Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988).*

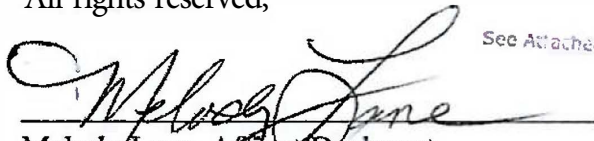
Public officers who so act would commit malfeasance of office, dereliction of duties, collusion and conspiracy to deprive me of **my** constitutionally guaranteed inherent rights, and misprision of any and all crimes you have committed against me through your unconstitutional actions which I reported to those referenced public officers,

Lawful notification has been provided to you stating that if you, Andrew Nevis, do not rebut the statements, charges and averments made in this Affidavit/Declaration, then you tacitly agree with and admit to them. Pursuant to that lawful notification, **if** you disagree **with** anything stated under oath in

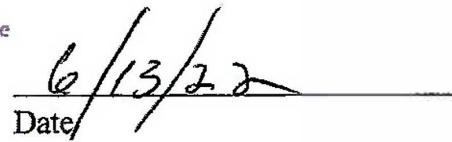
this Affidavit/Declaration of Truth, then rebut to me that with which you disagree, with particularity, within fifteen (15) days of receipt thereof, by means of your own **written, sworn, notarized affidavit of truth, based on specific, true, relevant fact and valid law** to support your disagreement, 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 tacit agreement with and admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, and is your irrevocable admission attesting to this, fully binding upon you in any court of law in America, without your protest, objection and that of those who represent you.

Affiant further sayeth naught.

All rights reserved,


Melody Lane, Affiant/Declarant
Founder, Compass2Truth
P.O. Box 598
Coloma, CA 95613

See Attached Notarial Certificate


Date

(See attached California Notarization)

- CC: Ana Melendez, CA Water Resources Control Board
Eileen Sobeck - Executive Director, CA Water Resources Control Board
Lucia Neri, CA Water Resources Control Board Human Resources Director
Joseph Carruesco, El Dorado County Human Resources Director
Taxpayers Association of EDC, Secretary Todd White
District Attorney Vern Pierson
Dist. #1 Supervisor John Hidahl
Dist. # 2 Supervisor George Turnbo
Dist.# 3 Supervisor Wendy Thomas
Dist. #4 Supervisor Lori Parlin
Dist.# 5 Supervisor Sue Novasel
Media and other interested parties

CALIFORNIA JURAT

GOVERNMENT CODE § 8202



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 z l "b

Subscribed and sworn to (or affirmed) before me on

this 13th day of j, 20 . by
Date Month Year



TOMI ABIOLA OJC
COMM# 2332745
EL DORADO County:
California Notary Public
C?!" .?? J. --:

(1) Melody Lane

(and (2) _____)
Name(s) of Signer(s)

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

Place Notary Seal and/or Stamp Above

Signature _____
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: A/A?w-cl /t.ce. J-Tn.../.

Document Date: f / ts / 7-2 Number of Pages: -1 1

Signer(s) Other Than Named Above: -...! / A > L L L +



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. Twee*, 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 1st Amendment Rights. *See United States v. Dial, 757 R2d 163, 168 (7th 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 3rd 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 3rd 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 *Twee*, 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 USG 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 19th 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.

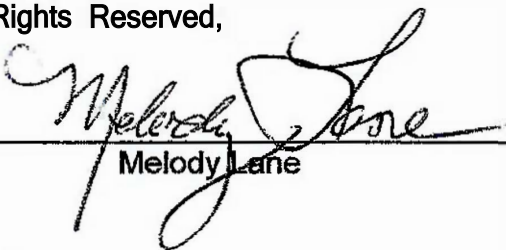
Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers and their agents, including you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions 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: sls/4.0
Melody Lane

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

(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 }

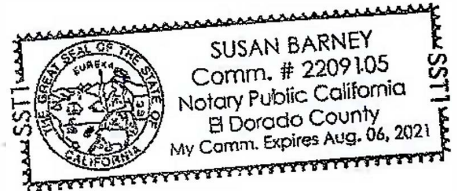
Subscribed and sworn to (or affirmed) before me on this 18 day of April, 2020
Date Month Year

by _____

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 ACIA h/cp Ray et-R (t, pl1"17rtrner

Document Date: 18 / 4 / 2020

Number of Pages: 2

Signer(s) Other Than Named Above: _____

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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 I, 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

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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, retaliatory 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 (7th 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 16th 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 US 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 3rd debacle and deprivation of my rights was entered into the public record during the February 4th 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 25th, I brought to the attention of the Board of Supervisors that although another Parks and Recreation meeting took place on February 20th, the incriminating audio of the February 3rd Parks and Recreation Commission meeting still had not yet been posted to the government calendar. (See Exhibit C)

However, on February 26th, it was brought to my attention that the minutes and the audio of the February 20th 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 3rd 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 3rd 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 3rd, 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 2nd. 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 *Twelve!*, 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 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. *See United States v Dial, 757 R2d 163, 168 (th 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

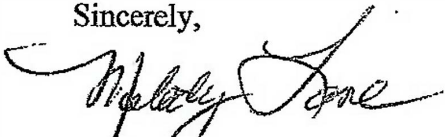
the public record, it is impossible for any public officer to defend himself against treason committed. *See also: US v Guest, Ga 1966, 86 S.Ct.1170, 383 US 745, 16 L.Ed 239.*

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 propaganda 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 EIR.s, 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 MGDP.

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. It is noted that 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.

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 19th 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 m♦ claims and averments. Does any of this sound

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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 3rd 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 16th 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 16th 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



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Local Politics

Carol Louis · 1h ·



ATTENTION ALL EDC NONPROFITS

If you have an Officer/ Secretary on your Board of Directors by the name of Todd White it is in your best interest to secure all minutes and IRS documents to maintain your Non-Profit status. I am the past President of the Taxpayers Association of EDC, this individual as our Secretary, compromised our year end election and failed to meet Secretary of State requirements.

All non- profits have specific rules they must follow to maintain their status in a 501 c category. The Taxpayers Secretary, Todd White, failed to meet those rules even when requests were made by myself and our VicePresident.

Todd White also falsified a document to our current President Kris Payne and may have altered ballots that he has not surrendered to the President for inspection, as requested..

If you have this individual as an Officer, protect your organization secure all documents in hard copy and archive them with you President or other designated Officers..

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