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**6/9/20 BOS meeting - Consent & Open Forum comments**

1 message

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

Tue, Jun 9, 2020 at 4:18 PM

To: brian.veerkamp@edcgov.us

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Brian,

This morning when I questioned Consent Item #43 regarding the Sheriff's dump truck, you failed to respond to me as required by law. After all public comments, you remarked that you "don't usually respond" but in this case you replied that the Sheriff would use the dump truck for hauling cannabis. If county counsel gave you advice not to respond or dialog with me, they are in grave error.

In case you need a reminder about the rights of the public, the Brown Act preamble states:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

Furthermore, it states:

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...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.

You are aware that fraud vitiates all action. 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*. As you heard from me and Rod Miller during Open Forum, there is a necessity to call all public officials into accountability, especially EDSO and county counsel who act like they are above the law. Your actions today

were in defiance to the Constitutional rights of the public, and as such, you've aided and abetted government corruption.

The BOS & OES should also be aware of a battle to contain a wildfire at Cronan Ranch which puts District #4 residents in peril with **no emergency evacuation routes/plans**. This is information the public has a need and a right to know. Therefore you are all put on notice for failing to lawfully respond to CPRAs in that regard making you complicit and liable.

*Melody Lane*

**Founder – Compass2Truth**

“Resistance to tyranny becomes the Christian and social duty of each individual...Continue steadfast and, with a proper sense of your dependence on God, nobly defend those rights which heaven gave, and no man ought to take from us.” ~ John Hancock ~



**Brown Act Rights of the Public.docx**

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# CALIFORNIA BROWN ACT

## PREAMBLE:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

## CHAPTER V.

### RIGHTS OF THE PUBLIC

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

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

54954.2 E (3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.

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

