

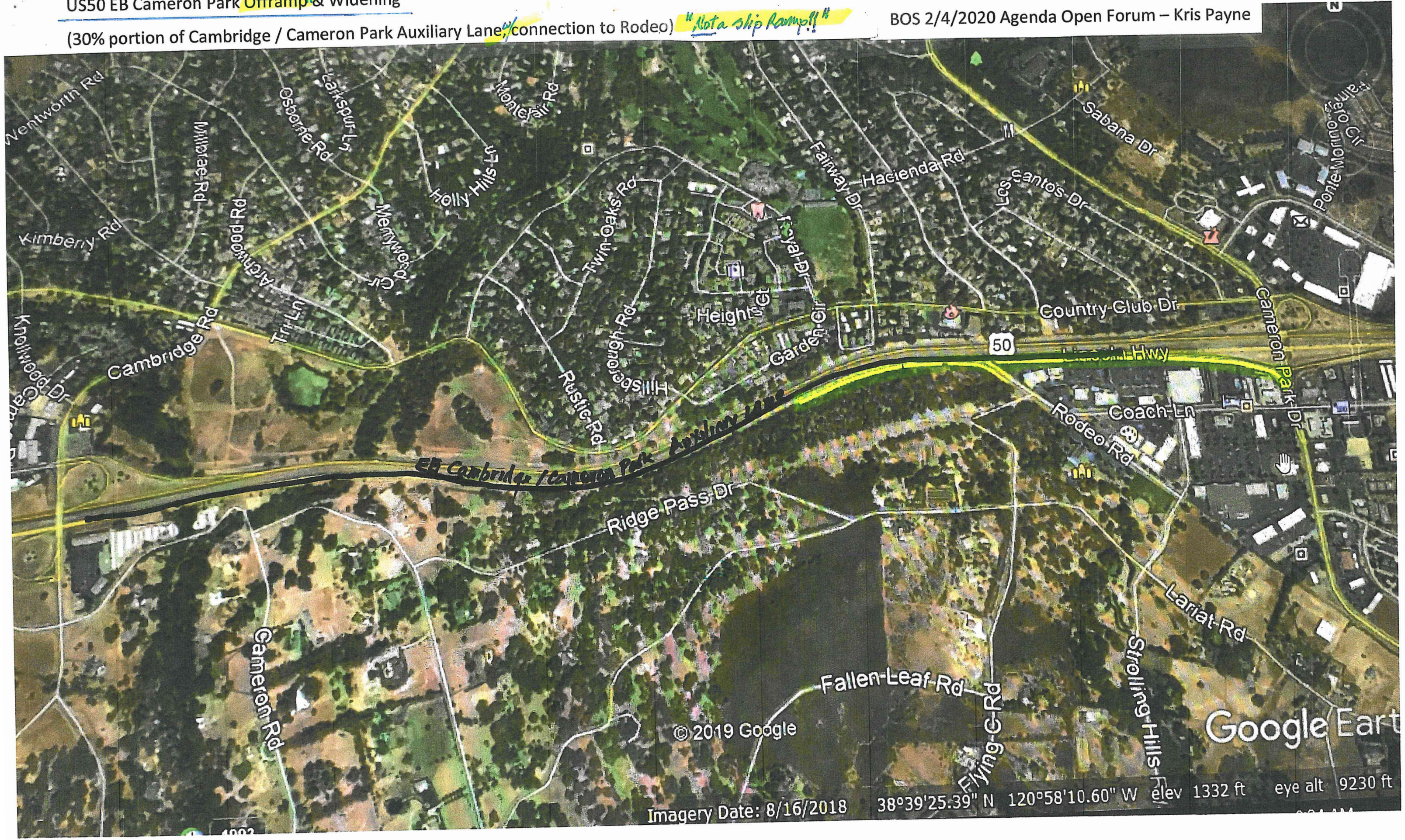
US50 EB Cameron Park Offramp & Widening

(30% portion of Cambridge / Cameron Park Auxiliary Lane, connection to Rodeo)

Not a slip ramp!!

BOS 2/4/2020 Agenda Open Forum – Kris Payne

Extension

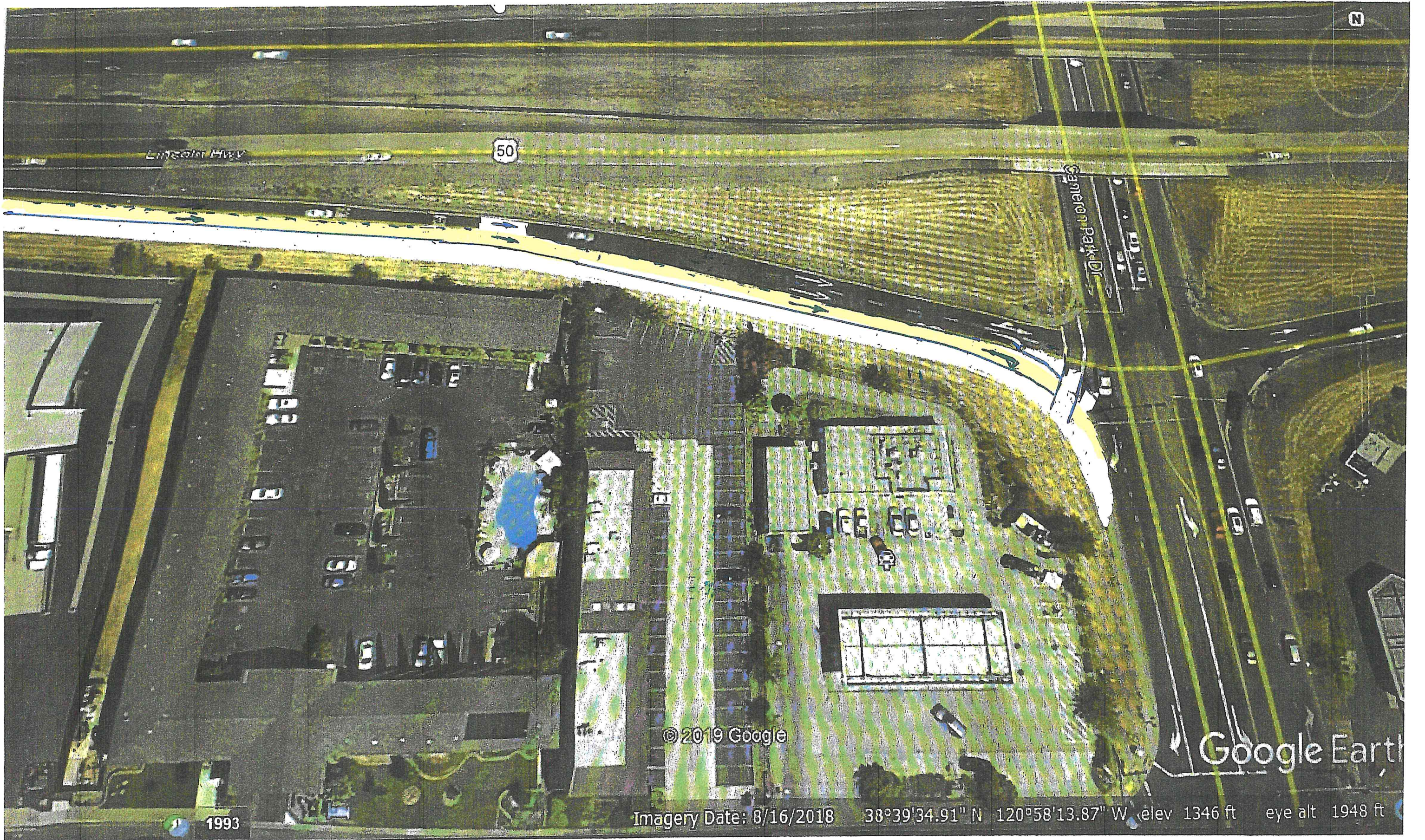


Imagery Date: 8/16/2018

38°39'25.39" N 120°58'10.60" W elev 1332 ft eye alt 9230 ft



Google Earth

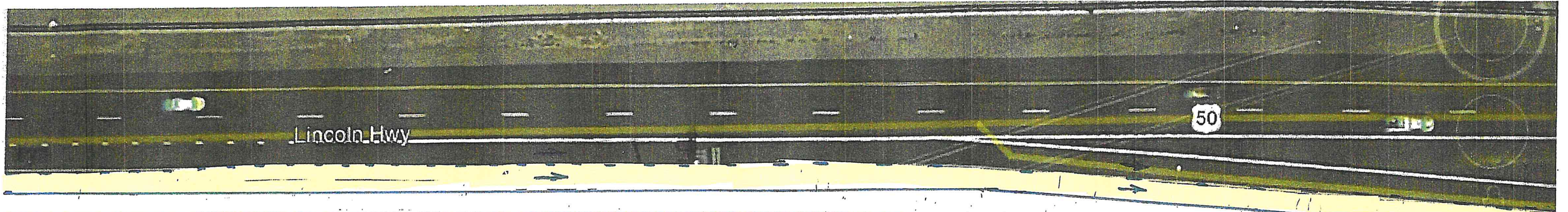


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Google Earth

Imagery Date: 8/16/2018 38°39'34.91" N 120°58'13.87" W elev 1346 ft eye alt 1948 ft

1993



1993

Imagery Date: 8/16/2018 38°39'32.33" N 120°58'18.25" W elev 1338 ft eye alt 1948 ft





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Imagery Date: 8/16/2018

38°39'32.12" N 120°58'35.78" W

elev 1338 ft

eye alt 1948 ft

1993

7:44 AM



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Imagery Date: 8/16/2018 38°39'32.27" N 120°58'39.20" W elev 1321 ft eye alt 1948 ft

1993



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Google Earth

Imagery Date: 8/16/2018 38°39'30.94" N 120°58'47.93" W elev. 1330 ft eye alt. 1048 ft

1993



My purpose today is to address the atrocious discrimination, disrespect, and illicit conduct of District 3 Parks and Recreation Commissioner Kris Payne last night, as well as during the December 19<sup>th</sup> Parks & Rec Commission meeting. Apparently he learned nothing from the Brown Act training conducted by county counsel at that time. 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 threaten and verbally attack me 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 Communist 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 knew perfectly well 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 corroborate all my claims and assertions. Does any of this sound 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, unlawful and unconstitutional behavior for decades.

Kris Payne is NOT a volunteer—he is an appointee of the BOS. As such Kris 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.

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 unethical and unlawful conduct.

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

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

# 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).)



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