

#31



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South Fork American

1 message

 DATE 9/26/2017
 BOS 9/26/2017

Alexandra Clarfield <aeclarfieldphd@gmail.com>

Mon, Sep 25, 2017 at 6:21 PM

 To: bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Board of Supervisors

Management of the South Fork American is a true success story of public-private stewardship. I have been recreating on the SFA by kayak, wheel and

foot one the past 15 years, 40 days per year. This place is my home. I know how much work and love has gone into creating this special public resource while balancing the needs of surrounding communities and private landowners. It is only with cooperation and collaboration and active engagement by thousands who love the river corridor over many years that any of this succeeds over the long term.

This is why I was very disheartened to learn that you are considering adopting the River Management plan which would dissolve the River Management Advisory Committee (RMAC) without a single public workshop. The RMAC has been essential to successful management, and if there are changes needed than those should be addressed and resolved with a vigorous public process. As you know Cronin Ranch and other BLM projects were made tremendously stronger by the inclusion of public voices-- certainly, those spearheaded by El Dorado County should do no less.

Please revise your timeline for adoption of this plan to allow public involvement. It's the right thing to do. And if for no other reason, do it in honor of the River's longtime champion, Bill Center.

I choose to live in this area because of the whitewater recreation available to me. Without that, I would provide my psychological services which are much in demand in some other location.

Best,

Alexandra Clarfield, PhD. QME
 Psychologist
 Grass Valley, CA

--

Ring the bells that can still ring.
 Forget your perfect offering.
 There is a crack in everything.
 That's how the light gets in.
 - Leonard Cohen

The Lotus is a flower that grows in the mud.
 The thicker and deeper the mud, the more beautiful the Lotus blooms.
 ~Zen saying

9/26/2017

Edcgov.us Mail - South Fork American

Alexandra Clarfield, Ph.D.
Licensed Psychologist (CA)



EDC COB <edc.cob@edcgov.us>

RMAC

1 message

Marcus RhodenHill <marhoden@gmail.com>
To: edc.cob@edcgov.us

Mon, Sep 25, 2017 at 9:54 PM

Dear Board of Supervisors

Management of the South Fork American is a true success story of public-private stewardship. I have been recreating on the SFA by raft, kayak, wheel and foot since the early 1980s, on average 20 days per year. My son, now 19 has spent his summers kayaking and biking on the South Fork since age 8, and will likely join the ranks of river guides there next summer. This place is our second home. I know how much work and love has gone into creating this special public resource while balancing the needs of surrounding communities and private landowners. It is only with cooperation and collaboration and active engagement by thousands who love the river corridor over many years that any of this succeeds over the long term.

This is why I was very disheartened to learn that you are considering adopting the River Management plan which would dissolve the River Management Advisory Committee (RMAC) without a single public workshop. The RMAC has been essential to successful management, and if there are changes needed than those should be addressed and resolved with a vigorous public process. As you know Cronin Ranch and other BLM projects were made tremendously stronger by the inclusion of public voices-- certainly, those spearheaded by El Dorado County should do no less.

Please revise your timeline for adoption of this plan to allow public involvement. It's the right thing to do. And if for no other reason, do it in honor of the River's longtime champion, Bill Center.

--
-Make it a great day!
Marcus RhodenHill



EDC COB <edc.cob@edcgov.us>

Fwd: Southfork American River . River Management Plan

1 message

Violet Jakob <vjakab79@gmail.com>
To: edc.cob@edcgov.us

Tue, Sep 26, 2017 at 12:06 AM

----- Forwarded message -----

From: Violet Jakob <vjakab79@gmail.com>
Date: Mon, Sep 25, 2017 at 9:34 AM
Subject: Southfork American River . River Management Plan
To: John Simpkin <johnmsimpkin3@gmail.com>, Theresa Simsiman AW <theresa@americanwhitewater.org>

Dear Board of Supervisors,

The Southfork of The American River is a natural and recreational treasure managed by El Dorado County .For the past 40 years, this resource was managed by the River Management Plan (RMP), revised periodically and overseen by the River Management Committee (RMC).

From the RMP we learned that the River has an annual number of visitors of around 100,000 people. This number indicates that the River is also a state and National treasure. American Whitewater and a local paddling club with over 500 local members, uses the River year around.

The latest , 2017 revision of the RMP recommends to you Board to dissolve the RMAC.

We ask you that before you consider and adopt this Plan, find an alternative body that will continue the work of the RMAC, and coordinate and communicate with the public on matters of River Management.

Violet Jakob, MS. PE

American Whitewater, Gold Country Paddlers Member

6556 Yankee John Place

Placerville, Ca 95667

530=622-6048 .



EDC COB <edc.cob@edcgov.us>

SFA. River Management

1 message

Dennis Carry <denniscarty@gmail.com>

Tue, Sep 26, 2017 at 7:59 AM

To: edc.cob@edcgov.us

Please postpone the vote to change the SFA river management so that we stakeholders in the paddling boating community can make time to organize a suitable contribution to this proposal to change.

I spend countless hours commuting into the river corridor to recreate and am constantly reminded this is one of the best resources in the country and with population increasing area wide needs a careful and broadbased approach to both change and development.

Thank you

Dennis Carty

Sent from my iPhone



EDC COB <edc.cob@edcgov.us>

Re: 1976 Younger v EDCO.

1 message

Jim Mitrison - El Dorado County <jim.mitrison@edcgov.us>

Tue, Sep 26, 2017 at 8:00 AM

To: hilde schweitzer <hilde@amriver.us>

Cc: Michael Ranalli <bosfour@edcgov.us>, EDC COB <edc.cob@edcgov.us>

Thank you. Your comment will be added to Item 31 on today's agenda.

Jim Mitrison

Clerk of the Board of Supervisors

County of El Dorado

Ph. 530.621.5390 Main

Ph. 530.621.5592 Direct

Email jim.mitrison@edcgov.us

On Tue, Sep 26, 2017 at 7:22 AM, hilde schweitzer <hilde@amriver.us> wrote:

And so it began... Bill got the Attorney General to take on the case decades ago.

Today, you vote on moving a Plan forward that is incomplete and is not representative of the wishes of the people, whom you all as Board members represent.

The Plan as written does represent the wishes of the stakeholders. You, as Board members have the opportunity to listen to and act on the wishes of the people that elected you.

The RMAC insulates you from what you will be dealing with today as Agenda item 31.

It works, and represents the 100,000+ people that recreate on the river each year.

Please do not send a Plan that does not include the RMAC forward to CEQA.

Thank you,
Hilde Schweitzer

Court of Appeal, Third District, California.

The PEOPLE of the State of California ex rel. Evelle J. YOUNGER, Attorney General, California Department of Navigation and Ocean Development and California State Lands Commission, Plaintiffs and Appellants, v. The COUNTY OF EL DORADO, the Board of Supervisors of El Dorado County, William V.D. Johnson, Lloyd R. Kutter, Franklin K. Lane, Thomas L. Steward, W.P. Walker, Members of the Board, Richard F. Pacileo, Sheriff of El Dorado County, Terrence M. Finney, District Attorney of El Dorado County, Defendants and Respondents, William Center and American River Recreation Association, Intervenor and Appellants.

No. Civ. 17987.

Decided: August 27, 1979

George Deukmejian, Atty. Gen., N. Gregory Taylor and Jan Stevens, Asst. Attys. Gen., Richard M. Frank, Deputy Atty. Gen., for plaintiffs and appellants. Noble Sprunger, County Counsel, Kronick, Moskovitz, Tiedemann & Girard, Edward J. Tiedemann, Janet K. Goldsmith, Sacramento, for defendants and respondents. R. Frederic Fisher, Harry Pfeifer, Lillick, McHose & Charles, San Francisco, for intervenors and appellants.

May a county ban all rafting and boating on a section of a navigable river highly suited to and much used for such recreational activities? Under the circumstances here presented it may not.

The South Fork of the American River in El Dorado County between Chili Bar Dam and Salmon Falls, a distance of about 20 miles, is in question. Because of its location, flow, lack of obstructions, and the variety of challenges presented by its "runs," it is one of the two most popular whitewater rafting areas in California. When dam construction on the Stanislaus River is completed, there will be no comparable river for rafting in the state. The popularity of this segment of river has increased dramatically in recent years. In 1975, 30 commercial rafting organizations spent approximately 21,000 commercial user days navigating the river. Private user days amounted to about 14,000.

The raft trip usually takes two days. Most of the land on both sides of the river is privately owned and access to the water is limited. Property owners along the river complain of noise, litter, pollution and unsanitary conditions caused by the rafters, as well as of trespassing and fire danger during overnight stops.

On August 10, 1976, the El Dorado County Board of Supervisors adopted an ordinance making it unlawful "to float, swim or travel in said waterway by any artificial means." Fishing or swimming "in a lawful manner," use of the public areas, and exercise of property rights by private owners were declared exempt. Violation of the ordinance was pronounced a misdemeanor punishable by a fine up to \$500 or six months in jail, or both.

Plaintiff promptly (on Aug. 20) filed suit against county officials to enjoin enforcement of the ordinance and to declare it invalid. Representatives of the commercial rafting organizations moved intervene as plaintiffs on August 27. The trial court granted the intervention but denied a preliminary injunction. We stayed enforcement of the ordinance pending trial on the merits. Plaintiffs then moved for summary judgment. After the trial court issued an intended decision denying the motion, the parties agreed to submit the matter for decision on the merits based on the pleadings and documents in the record. The trial court found the ordinance established a special-use area and sanitation and pollution control pursuant to Harbors and Navigation Code section 660 and entered judgment for defendants. This appeal followed.

Plaintiffs contend we must reverse because the ordinance is preempted by state law, and violates common law, constitutional and statutory rights of navigation, and the equal protection clause of the federal and state constitutions. Defendants claim the ordinance is valid as a reasonable, non-discriminatory exercise of the county's police power. Neither party contests the court's finding that the disputed section of the river is navigable.

As asserted by defendants, the critical issue is whether the challenged ordinance is a reasonable exercise of the county's police powers. Harbors and Navigation Code section 660 limits these powers to enactment of measures pertaining to "time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control" which do not conflict with other state laws.

The ordinance is neither a permissible special-use area designation nor a reasonable sanitation and pollution control measure. On its face, it is an absolute prohibition against boating by the public. The record shows that the affected section of the river is not a significant fishing stream, and partly because of restricted access, fishing is light. Swimming in whitewater areas without such artificial means as lifejackets is obviously neither popular nor safe. Thus the ordinance effectively bans virtually all public use of the river.

However laudable its purpose, the exercise of police power may not extend to total prohibition of activity not otherwise unlawful. (*Frost v. City of Los Angeles* (1919) 181 Cal. 22, 183 P. 342, (ban on supplying water less pure than purest available); *San Diego T. Assn. v. East San Diego* (1921) 186 Cal. 252, 200 P. 393 (ban on operation of hospitals treating infectious or contagious diseases within city limits).) Courts are especially sensitive to infringements upon constitutional rights under the guise of exercise of police power. (See *Scrutton v. County of Sacramento* (1969) 275 Cal.App.2d 412, 421, 79 Cal.Rptr. 872.) The public's right to access to navigable streams is a constitutional right. (Cal. Const., art. X, § 4; *Marks v. Whitney* (1971) 6 Cal.3d 251, 98 Cal.Rptr. 790, 491 P.2d 374.)

The trial court relied on an Attorney General's opinion that an ordinance banning motorboat operations on a portion of American River in Sacramento County established a special-use area (45 Ops.Cal.Atty.Gen. 122 (1965)). Its reliance was misplaced. While we express no opinion as to the correctness of the analysis or conclusion in that opinion, we distinguish a situation in which exclusion of power boats from an area better suited to "non-power" uses (*id.*, at p. 123) protects the environment and fosters other recreational uses from the present situation in which all forms of "travel by artificial means" are excluded from an area ideally suited to such activity. The El Dorado County ordinance is not a special-use area designation; it is virtually a no-use area designation.

While obviously effective to eliminate pollution and sanitation problems, the ordinance goes too far. The county contends use prohibition is the only way to eliminate pollution and sanitation problems. But the logical extension of this hypothesis is the prohibition of all industry, agriculture, and even human habitation, the effect of which would be to eliminate pollution entirely. The public has a right to use river; it has no right to pollute the river. Reasonable regulation is in order; use prohibition is not. The problems of pollution and sanitation in our increasingly crowded state are difficult and complex, calling for imaginative and sophisticated solutions. But total prohibition of access is an impermissible

solution. The ordinance is invalid because it denies the constitutional right of the public to use of an access to a navigable stream.

The judgment is reversed with directions to enter judgment for plaintiffs enjoining enforcement of the ordinance in question.

PARAs, Associate Justice.

REGAN, Acting P.J., and REYNOSO, J., concur.



M. Lane #31 BLS 4/20/2017

Compass2Truth

Citizens Serving God in Truth and Liberty

P.O. Box 598
Coloma, CA 95613
melody.lane@reagan.com

September 25, 2017

To: El Dorado County Board of Supervisors, Dist. #1, 2, 3, 4 & 5
EDC Clerk to the Board
Sheriff John D'Agostini
District Attorney Vern Pierson
CAO Don Ashton
Roger Trout, Planning & Development Services

CA PUBLIC RECORDS ACT REQUEST

Citizen Report of Officer Misconduct:

Deputy Muckerheide, Deputy Richardson & Sgt. Principae

The law provides only minimum standards for ethical conduct. Because of the breadth of federal anticorruption law, public officials are warned to avoid any temptation to walk closely to the line that divides legal from illegal conduct under state law. Even though a course of action may be lawful under state law, it may not be lawful under federal law. *The law also states that public officials, including law enforcement, cannot retaliate against those who whistle-blow.*

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask that pdf documentation be emailed directly to me concerning the following incidents:

At approximately 12:02 AM on September 24, 2017 I called Dispatch to report exceptionally loud amplified music, singing, and chanting emanating from another weekend-long event at the **American River Resort (ARR)** located within the Quiet Zone of the SFAR. A male voice desperately shouting for help three times from the vicinity of Troublemaker Rapids also generated safety concerns. I explained to Dispatch that similarly on June 28, 2017 there was an incident when an American River Resort guest decided to go for a midnight swim and was swept downstream. That particular incident awakened the entire community by necessitating a helicopter and a search & rescue team to set up floodlights at Coloma Grange. **Therefore documentation is requested of the costs associated with the 6/28/17 river rescue incident as required for the Boating Safety and Enforcement Aid Contract granted to EDSO by California Boating and Waterways Section 6593.4 (d).**

Consequently I requested the responding deputy contact me for the purpose of obtaining a Case File number and making a citizen arrest for the 9/24/17 disturbance of the peace and perpetual violations of **American River Resort SUP S91-06R** which states specifically:

#15. Campground activity noise levels during daytime hour (7:00 a.m. to 7:00 p.m.) are to be limited to a maximum of 60 dBA at the subject property's exterior property lines. Campground noise levels during evening hours (7:00 p.m. to 10:00 p.m.) are to be limited to a maximum of 55 dBA at the subject property's exterior property lines. Campground noise levels during night hours (10:00 p.m. to 7:00 a.m.) are to be limited to a maximum of 50 dBA at the subject property's exterior property lines. ***All users of the campground facilities shall be advised of the above noise restrictions and signs shall be posted throughout the site warning users of said restrictions. Management shall strictly enforce these noise restrictions.***

#16. No amplified music, singing, radios, stereos, or other noise sources will be allowed on the site which exceed the required General Plan noise allowances. Quiet hours for the site shall be from 10:00 p.m. to 7:00 a.m. No amplified music, singing, radios, stereos, or other excessive noise shall be allowed during the quiet hours. ***These quiet hours and noise restrictions shall be posted in highly visible locations throughout the resort and shall be provided to all guests and site users checking into the resort. Management shall strictly enforce these noise restrictions.***

At approximately 12:15 AM Mindy from Dispatch called stating she was requested to provide me the CFS# 092317-2203 for the incident, and that a Sergeant would call me later. Meanwhile the deputies were "on their way" to the American River Resort. I asked the names of the responding deputies and reiterated my request for them to meet me at the gate so I could provide them with more information, obtain a Case File number, and make a Citizen's Arrest.

At approximately 1:24 AM Deputy Michael Muckerheide drove up to my home where I met him at the front gate. His demeanor grew very defensive and uncooperative as he attempted to stay far out of view of my surveillance system until I requested he step closer to where I was standing. I had a copy of the RMP and the American River Resort SUP #S91-06R that I opened to show him the sections concerning EDSO responsibilities particularly concerning the Quiet Zone.

Muckerheide said there was "no argument" that they were out of compliance and that even he was very "disturbed" by what he heard and witnessed. It was clearly evident the Resort was in violation of County ordinances, so the event was shut down. Muckerheide further stated the "numerous parties" he and his partner spoke with about County ordinance violations were warned "in no uncertain terms" that if they didn't comply with their orders, citations would be issued.

In regard to the individual shouting for help, Muckerheide remarked that he and his partner walked the entire length of the campgrounds and everybody was OK. They also walked to various tent sites and ordered amplified music, singing and acoustic guitars be shut down throughout the campground.

As I proceeded to exercise my right to make a Citizen's Arrest and view the TUP for the event, two more squad cars pulled up. Deputy Robinson and Sergeant Principae joined Muckerheide standing about six feet apart in defensive posture. I commented that it was a poor use of EDSO resources for three deputies to respond to one person's request for assistance concerning the American River Resort incident. Principae bristled as he remarked, "*We'll determine how those resources are used.*" They were clearly annoyed that I'd called Dispatch. It is a well-known fact that EDSO has a history of discouraging river residents from reporting disturbances of the peace since the actual statistics reflect poorly on EDSO responsiveness to citizens and safety concerns. This has been an RMAC bone of contention literally for decades.

After brief discussion about River Mafia Politics, retaliation and bully tactics, Deputy Muckerheide indicated that he was aware the American River Resort had a Temporary Use Permit (TUP) for the event. He also

informed me that there were **900 people** at the campground that night. Note SUP# S91-06R specifically states the following:

#25. The campground shall have a maximum of ninety (90) open campsites, each with a maximum capacity of 4 persons (total capacity 36 persons). The two rafting company group areas shall be designated as group camping areas which each have a maximum capacity of 53 persons (total capacity 106 persons). If the open campsites are not full, additional campers may be allowed in the group areas not to exceed the maximum campground capacity. The group campsites shall not be located within 100 feet of the western property line and the residential properties in the Coloma Heights Subdivision. *At no time shall the campground capacity exceed a total of **466 persons** on the site.*

Conversation ensued over the segments of the RMP that referred to the responsibilities of EDSO and the rights of the residents to live in peace and safety within the Quiet Zone, *including documentation and tracking of complaints*. Not only did Principae and Muckerheide refuse to show me the TUP that had been issued by EDSO, they *adamantly* refused to issue a Case File number or assist me in making a Citizen's Arrest of the onsite owner or campground manager. A Call For Service (CFS #092317-2230) contains minimal time/date information. It is not a document that can be duplicated or is subject to Public Record Act requests for information. A Case File number however is a *public record that documents details of the incident such as those used for mapping, fiscal reporting, legal and government accountability purposes*. The CF# and EDSO incident report was necessary in order that documentation be forwarded to Roger Trout for the ARR SUP Planning files as well as tracking purposes required under the River Management Plan (RMP).

When I pressed them about issuing the American River Resort a citation and my right to make a Citizen's Arrest, Principae and Muckerheide became argumentative and staunchly refused to do so. That's when they claimed that the campground manager, Arnie Chandola, had called *before* I dialed Dispatch. *They both stated Chandola knew the campground wasn't in compliance and therefore requested EDSO assistance with the out of control mob. BALONEY!*

I voiced my reason to doubt the validity of their claim, as that is the *exact same excuse Deputy Terri Cissna has used in the past to refuse my request for assistance in making a Citizen Arrest concerning Coloma Resort and American River Conservancy incidents*. It was later discovered that Deputy Cissna, like numerous other deputies, had falsified her case file report making me appear to be the problem. *It is a River Mafia retaliatory tactic to circumvent the law and continue "business as usual" in EDC. In so doing, EDSO aids and abets the unlawful practices that affect the property values, peace and safety of river residents throughout the entire Quiet Zone of the S. Fork American River.*

In depriving me the right to press charges and access to the aforementioned information, Deputy Muckerheide and Sergeant Principae denied me basic Constitutional rights to due process as required by their Oaths of Office.

Therefore, I request a signed pdf copy of the TUP, and the identity of the individual who was responsible for authorizing the TUP, for the September 22-24, 2017 event held at the American River Resort that was out of compliance with County ordinances and the RMP.

Additionally I request signed pdf copies of all other American River Resort TUPs applied for and issued by EDSO from January 1, 2017 through the end of 2017.

Last, I request signed and witnessed pdf copies of the Constitutional Oaths of Office for Sergeant Principae, Deputy Richardson and Deputy Muckerheide.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the specific legal authorities on whom you rely. The *Guide to CA Public Record Act Requests* provides further parameters:

WHO'S COVERED:

- **All state and local agencies**, including: (1) any officer, bureau, or dept.; (2) any "board, commission or agency" created by the agency (including advisory boards); and (3) nonprofit entities that are legislative bodies of a local agency. (§ 6252(a),(b)).
- The agency always bears the burden of justifying nondisclosure, and "any reasonably segregable portion... shall be provided...after deletion of the portions which are exempt." (§ 6253(a))
- **Access is immediate** and allowed at all times during business hours. (§ 6253(a)). Staff need not disrupt operations to allow immediate access, but a **decision on whether to grant access must be prompt**. An agency may not adopt rules that limit the hours records are open for viewing and inspection. (§ 6253(d); 6253.4(b))

To avoid unnecessary fees or costs of duplication, **electronic copies** are acceptable and may be emailed directly to melody.lane@reagan.com as a pdf file. It is requested that your determination be made within **10 days** as stipulated within the California Public Records Act, **Government Code 6253(c)**. If you have any questions, please do not hesitate to contact me immediately.

Thank you for your prompt compliance and timely response.

Sincerely,

Melody Lane
Founder – Compass2Truth



Compass2Truth

Citizens Serving God in Truth and Liberty

P.O. Box 598
Coloma, CA 95611
(530) 642-1670
melody.lane@reagan.c

August 5, 2016

TO: Don Ashton, CAO
Roger Trout, Planning & Development
Mike Ranalli, Supervisor District #4

CC: Sheriff John D'Agostini
Barry Smith, Acting MGDG Superintendent

**RE: 8/3/16 Come to Jesus Meeting
RMP/Code & Law Enforcement/CPRAs**

Gentlemen,

Thanks especially go to Don Ashton for coordinating this long overdue "Come to Jesus" meeting. I realize this was a lot of info to digest in one short hour but I'm confident in Don's ability to assimilate the most important aspects outlined on the prepared agenda. Thanks as well for forwarding relevant information to Sheriff D'Agostini thus encouraging accountability, communication and honorable resolution without the necessity of litigation.

For the record we've already met with MGDG Superintendent Barry Smith over related matters. It is noteworthy that Sheriff D'Agostini has refused to respond or participate in these important meetings concerning EDSO jurisdiction, public safety, Public Record Act requests, and other legal issues relative to his Constitutional Oath of Office. As mentioned Park Rangers, BLM, Dept. of Forestry, Fish & Wildlife and all other branches of law enforcement have no authority on private property unless granted authority via a MOU or MOA by Sheriff D'Agostini. To date all CPRAs reveal none exist.

I would also like to thank Roger Trout for transparently acknowledging the 9/14/15 RMAC meeting attended by Supervisor Ranalli as a deliberate set-up orchestrated by RMAC delegates and County Parks & Recreation personnel. The blatant lies and falsification of public records cannot be ignored.

Please note that Ranger Bill Deitchman was not present at the 9/14/15 RMAC meeting yet instead of recusing himself he seconded the approval of the minutes. During our April meeting with CA State Parks Bill commented that County Counsel advised him, "You don't have to be there to approve the minutes."

That was not the first time Mike Ciccozzi has been known to give bad counsel and violated his Oath of Office. Larry Weitzman nailed it in this article entitled "***Below the Law - EDC Legal Counsel Giving Bad Advice.***" In addition to state law, federal anticorruption law broadly guarantees the

public "honest services" from public officials. *Depriving the public of honest services is a federal crime.* (Refer to my 1/5/16 BOS Open Forum presentation.)

Both consultant Steve Peterson and Vickie Sanders acknowledged during one of our audio recorded meetings that the River Management Plan has been *essentially ineffective since its inception*. According to both Steve and Vickie, relinquishing the RMP management to BLM and CA State Parks who work hand-in-hand with American River Conservancy is already a "done deal." As it stands neither option is desirable for residents affected by the River Management Plan.

Equally significant is the fact that Noah Rucker and the RMAC representatives continue to abuse the authority delegated to them by the BOS and under the direction of County Counsel. Basically RMAC has gotten away with blatant bully tactics for decades. It is clearly evident so-called "public" meetings facilitated by County staff are nothing more than prearranged RMAC outcomes deliberated behind closed doors at the behest of RMAC and the River Mafia minions.

Note specifically that the 7/11/16 RMAC meeting postponed to 8/8/16 was *again* postponed to be held on 8/15/16. This raises the concern brought up relevant to the CA State Parks PRA revealing that Supervisor Ranalli's intent to stall the RMP Update as well as Sheriff D'Agostini's reticence to comply with Public Record Act requests, especially those pertaining to EDSO representation on RMAC as required by the RMP.

In order that everyone is on the same page I've included as attachments the agendas from a few of our meetings with Sheriff D'Agostini, State Parks and other County personnel. I'm confident you will concur that public servants are either part of the problem, or part of the solution. We are hopeful Don Ashton in his new capacity as CAO will indeed live up to the expectations placed in him to improve EDC accountability and communication with the public.

As promised, I've also included the EDSO/Code Enforcement portions of the RMP I referred to during our meeting last Wednesday regarding Code and Law Enforcement. A comprehensive copy of the RMP can be found on the EDC government website:

https://www.edcgov.us/EMD/Rivers/River_Management_Plan.aspx

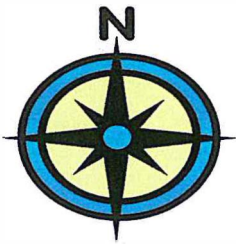
We look forward to meeting with you again in approximately three months for follow up on these important issues. In the interim it is expected Roger Trout will reply *in writing* to each Code Enforcement complaint as he agreed with a reminder of the "3 strikes" consequences for SUP violations.

Respectfully,

Melody Lane

Attachments:

1. Norma Santiago 9/22/14 meeting agenda
2. Roger Trout/Pierre Rivas 8/9/12 meeting agenda
3. 11/12/14 Robyn Drivon/Paula Franz meeting agenda
4. 9/4/12 Sheriff D'Agostini, Roger Trout, Jeremy McReynolds meeting agenda
5. 4/1/16 CA State Parks meeting agenda w/Barry Smith & Bill Deitchman
6. 8/3/16 CAO/Trout/Ranalli meeting agenda
7. RMP excerpts re: EDSO/Code Enforcement



Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

September 22, 2017

To: Dist. #1 Supervisor John Hidahl
Dist. #2 Supervisor Shiva Frentzen
Dist. #3 Supervisor Brian Veerkamp
Dist. #4 Supervisor Michael Ranalli
Dist. #5 Supervisor Sue Novasel

CC: Sheriff John D'Agostini
CAO Don Ashton

RE: 9/26/17 BOS Agenda Item #31 – RMP Update/RMAC

My love for Class 5 whitewater rafting and rural living drew me to Coloma as the ideal place to retire. I have owned my home upon historic Mt. Murphy overlooking Troublemaker Rapids since 1998. It did not take long to discover that Coloma was *not* the bucolic, serene river community that real estate agents had advertised it to be. Approximately 8 months after settling in here, my neighbors informed me of the very contentious River Management Advisory Committee (RMAC) meetings held monthly in the dimly lit and often crowded Marshall Gold Discovery State Park museum.

When I received a phone call from friends encouraging me to attend my first RMAC meeting and get actively involved in mitigating the issues, I witnessed for myself just how out of control the RMAC representatives and the rafting enterprises actually were: *it was mob rule*. The primary cause of contention was the lack of code and law enforcement, particularly outdoor amplified events at the business establishments that were in violation of SUPs intruding into the peace and privacy of river residents within the 6-mile Quiet Zone of the S. Fork American River. Most of the events involved unmonitored crowds of tourists, drugs and/or alcohol. Other concerns were focused on public safety issues that comprise a large segment of the RMP: arson fires, emergency road egress, trespassing, vandalism, and increasing crime in our rural community. (See Exhibit A)

Of even greater concern were threats made against local women by members of the rafting community who were retaliating for reporting the disturbances of the peace to law enforcement. It did not take long to learn that law enforcement had always been reticent to enforce the rights of residents to live in peace and safety as mandated by the River Management Plan (RMP). American River Resort and the Coloma Resort were particularly known for violating their Special Use Permits (SUPs). The campground owners knew that law enforcement would not issue citations or document frequent citizen complaints and petitions for SUP revocations. Bully tactics and harassment became the modus operandi of the extreme left-wing environmental groups, American River Conservancy, and campground/rafting businesses known as the "River Mafia Mob."

Noise pollution and associated crime have been environmental concerns for decades affecting the quality of life of local residents. Consequently in September 2003 a grass roots group of concerned citizens, the Community Clamor Committee (CCC), was formed to identify the worst noise "hot spots" along the river. Dave Martinez, owner of the American River Resort, acted as chairman. I was the only person who stepped up to serve as

scribe for the chaotic group. Meetings were held at the Sierra Nevada House in the bar. I submitted all minutes of the CCC to the RMAC representatives to be incorporated into the RMP annual update. It was significant that the Coloma Resort, one of the worst offenders, refused to participate in any of the CCC meetings.

Residents were angry over lack of code/law enforcement and that their rights to live in peace and safety were not being addressed. When the CCC meetings became just as much out of control as RMAC, I requested law enforcement get actively involved as mandated by the RMP to ensure the peace and safety of participants was maintained. The rafters clearly resented my request for involvement by Under Sheriff Fred Kollar who later appointed Sergeant Jim Brown to represent EDSO at CCC meetings. At one of the last meetings there were only a handful of participants, including SNH owner Howard Penn, Sergeant Brown, Dave Martinez and myself. It was evident that EDSO involvement caused attendance to drop off significantly. Eventually the Committee disbanded in 2004 due to lack of participation and community relations deteriorated to "business as usual."

Around the time CCC disbanded, neighbors provided me with correspondence and petitions for SUP revocations previously submitted to EDC Planning Department. I was informed that the county had a history of being unresponsive to the letters and SUP petitions, so I personally gathered signatures on a new petition and delivered it to Planning. When the county was again unresponsive, I called and was informed the petition had been "lost" so it was requested that I fax another copy to Planning. When no response was forthcoming from the county once again, I requested a meeting be held in my home with a Mt. Murphy neighbor, District #4 Supervisor Ron Briggs, and Jim Wassner from Code Enforcement.

During the audio recorded meeting in my home about code/law enforcement, Supervisor Briggs encouraged me to apply as non-commercial rafting representative for RMAC, so he forwarded me a copy of the county application. Knowing that the other reps would oppose my ample qualifications and appointment to RMAC, Briggs stated, "*No matter what they say, you are appointed to RMAC by my authority to replace Hilde Schweitzer.*" (See Exhibit B)

Apparently word leaked out to RMAC and the Coloma Lotus community about my appointment as the non-commercial rafter. Friends called and forwarded me correspondence that the River Mafia Mob was planning a slander-libel campaign to discredit me and persuade Ron Briggs to rescind my appointment to RMAC. At the next BOS meeting Theresa Simsiman submitted false and libelous information to the BOS and distributed it throughout the Coloma Lotus community. Her ruse worked, and despite two 4-year term limitations, the BOS illicitly reappointed Hilde Schweitzer to serve for a third term on RMAC. Rather significantly I'd never met Ms. Simsiman until she showed up for the very first time at the following monthly RMAC meeting.

Whoever controls the water controls the people. It became glaringly evident that the American River Conservancy (ARC) was hand-picking their representatives to RMAC who would serve their special interests. In violation of the Brown Act and the Bagley-Keene Open Meeting Act, RMAC was conducting serial meetings held at the Nature Conservancy, the American River Conservancy and at Camp Lotus. The ARC and CA State Parks, working in conjunction with BLM, was the topic of a special meeting arranged by my well respected friend that took place in the office of Supervisor Ron Briggs on July 16, 2009. Supervisor Briggs was made keenly aware of the ethics violations, his personal liability and the legal repercussions that would eventually make him the focus of a Grand Jury investigation. (See Exhibit C)

2009 was the same year that COMPAS (now Compass2Truth) was formed with the assistance of consultants and other like-minded groups who audio recorded and video recorded several RMAC meetings. (See Exhibit D)

RMAC representatives were routinely censoring me by shouting, "Don't let her talk! Talk over her!" Tim Lasko, Martin Harris, Steve Lyles and others were deliberately creating a hostile environment, and depriving me of my right to participate in "their" meetings. During one RMAC meeting, Dr. Dale Smith laid down the

law on the table with a copy of the Brown Act. RMAC representative Dave Martinez angrily stormed out of the room declaring he was headed to County Counsel. Mr. Martinez then submitted his resignation from RMAC.

During another meeting, Dr. Smith challenged the illicit behavior of RMAC chairman, Martin Harris. He too stormed out of the room and submitted his resignation from RMAC shortly thereafter.

In yet another RMAC meeting, Dr. Smith found it necessary to address the threatening behavior of Robert Palacios. This is a legal matter substantiated with a notarized Affidavit of Fact that involves RMAC, Officer Misconduct complaints, notification to the entire Board of Supervisors, and was the subject of two meetings Dr. Smith and I had with the publisher of the Mountain Democrat, Richard Esposito. District Attorney Vern Pierson, County Counsel, former MGDG Superintendent Jeremy McReynolds, and the Grand Jury received binders containing the notarized factual evidence. (See Exhibit E)

The point of the matter is that RMAC always has been, and continues to be out of control and should be disbanded.

During the 19 years I've lived in Coloma NONE of the representatives appointed to RMAC have ever addressed the concerns of river residents. It is apparent that the public's input has been reduced to irrelevancy by how the RMAC votes unanimously, and/or rubber-stamps Consent items, thereby demonstrating that meetings are little more than dog and pony shows with predetermined outcomes designed to falsely give the public an impression of government transparency and accountability. Their own interests, and that of American River Conservancy, have always been the focus to the exclusion of the residents. They are NOT volunteers; they are appointees by the BOS. As such, all past and present RMAC representatives routinely violate the public trust and their Principle Agent Oaths of Office by discriminately depriving members of the public the right to testify. RMAC has no authority whatsoever to act outside the scope of their authority or to violate the Brown Act and can be held personally liable. Note the following:

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

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

It is well documented and a matter of public record that EDC employees Vickie Sanders, Noah Rucker-Triplett, and Roger Trout have submitted fraudulent data and made recommendations to the BOS and the Planning Commission. In so doing they have violated their Constitutional Oaths of Office and the public's trust. Just one such example follows regarding a comment made by Planning Commissioner Gary Miller concerning Roger Trout's 3-Strikes policy. ***A policy that doesn't exist cannot be enforced.*** The subject was RMAC Chairman Adam Anderson's hearing for the Villa Florentina SUP revocation:

“I don’t really need to explain to you what I did...I don’t need to justify myself to you. You get what I give you!...I suggest you make a complaint to the BOS & have me removed. That would break my heart!...There isn’t a 3 strikes policy! I know there’s no such policy!... One of the unique things about being a Chairman is you don’t get to tell me what I can do!...Sounds like you are threatening to take me to court...County Council was right there. I assure you, that if I was in violation of the Brown Act he would have said something.”

Another example was Clerk to the Board, Jim Mitrisin’s, 3/24/17 reply to another constituent’s CPRA requesting Mr. Trout’s 3-Strikes policy, *“There are no records responsive to your request. I phoned the Planning Department to learn more and was informed the reference to “1,2,3” was made by an applicant and restated by Mr. Trout regarding steps taken to address a use permit issue. You may want to contact Mr. Trout for additional information.”*

In regard to Adam Anderson’s Planning Commission hearing, Roger Trout made it a point to publicly comment that the RMP was “not relevant.” To the contrary, it was brought to my attention that Adam Anderson is good friends with Nate Rangel and is using his position as RMAC chairman to further his own business interests. Furthermore, Mr. Anderson and his RMAC and Chamber of Commerce associates have a bad habit of dishonesty. Residency is a basic qualification as the business SUP, but Adam doesn’t live anywhere near Coloma. He has demonstrated that he possesses absolutely no practical knowledge of the Brown Act or Roberts Rules of Order and has been operating “ultra vires” or outside the law. **(See Exhibit F)**

Additionally the Planning Commissioners failed to provide a public recommendation about the status of his SUP revocation. This is information the public has a right to know, but it’s still unresolved. Minutes from the last RMAC meeting indicated, *“Member Anderson remarked chances are he will be closing down his business Villa Florentina due to the pressure from the neighbors and trouble complying with the County noise ordinance. He therefore would be resigning from RMAC at the end of the year since he would then no longer be a business owner in the Coloma-Lotus area.”* The question is, why has the Planning Commission, Roger Trout and the Board of Supervisors failed to take remedial action by revoking Anderson’s SUP and immediately remove him from RMAC?

In email correspondence with staff of the Sacramento Business Journal it appears writer Mark Anderson is a relative of RMAC chairman, Adam Anderson. Mark Anderson was not present at either of the Planning Commission hearings for the Villa Florentina SUP revocation. When I inquired about his source of information for his articles, he replied, *“I talked with Adam Anderson and Roger Trout.”* **(See Exhibit G)**

Yet another example of RMAC operating outside of the law was the May 26, 2016 Special Meeting requested by Nate Rangel scheduled to be held at 6:00 PM in the Marshall Gold Discovery Park Museum. The only topic of this special meeting was the RMP Update. By 6:30, there were only three people in the room, including myself and one other member of the public. After waiting for a half hour, RMAC Representative Marilyn Tahl announced that she had no idea where everyone was. When it was apparent no meeting was going to take place, I exited the building. I was bid farewell by Chairman Nate Rangel seated outside the Museum casually talking to another individual.

Although the RMAC meeting was never officially cancelled, the next day the meeting minutes appeared on the EDC Legistar calendar indicating that the RMAC meeting commenced immediately at 6:30 PM ***after I had left the premises.*** The stall tactics apparently were a strategic attempt to get me to leave so they could conduct the meeting without me. It is significant that the previously posted minutes have disappeared from the government website, the audio is “unavailable” and cannot be played. “Technical difficulties” appear to be a convenient frequent problem, especially when there are matters concerning government transparency and compliance with the law.

It is the duty of every Citizen to demand that government employees 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. Such aberrant behavior was clearly demonstrated during the September 14, 2015 RMAC meeting when Nate Rangel, Tim Lasko and Adam Anderson accused me of using profanity, when in fact, I was seated quietly in the audience. Supervisor Ranalli and Roger Trout were also in the audience as were four other witnesses whom I requested attend as the River Mafia Mob routinely vitiated my good name and reputation.

Compass2Truth has brought to the attention of the BOS on numerous occasions that county staff is habitually submitting erroneous data and/or falsified RMAC minutes. Yet you have failed to take remedial action and denied the public due process. Consequently, decisions made by the Supervisors that are based on deliberately falsified information will ultimately adversely affect all EDC tax payers, thus, undermining the public trust in local government. *Depriving the public of honest services is a federal crime.* Any enterprise undertaken by any public official who tends to weaken public confidence and undermines the sense of security for individual rights is against public policy. Fraud, in its elementary common-law sense of deceit, is the simplest and clearest definition of that word.

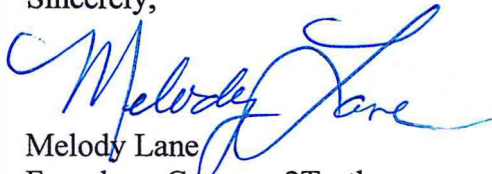
Deputy CAO Laura Schwartz remarked in a memorandum to the BOS, "Over the past several months, the majority of RMAC members have stepped down from the Committee resulting in not enough members to reach quorum. Several meetings have been cancelled at the request of RMAC due to a lack of a quorum or no issues to discuss." It is a fact that RMAC members have NOT stepped down, but in actuality have been engaging the rafting community in serial meetings held at the Nature Conservancy, American River Conservancy and at Camp Lotus. Serial meetings are specifically prohibited by the Brown Act.

Furthermore, audio recorded meetings with Vickie Sanders and consultant Steve Peterson regarding personnel issues involving Noah Rucker and discussed at length the predetermined decision to disband RMAC before turning control of the RMP over to CA State Parks and Bureau of Land Management. Public Record Act requests indicate that Supervisor Ranalli was supportive of stalling the RMP Updates until such time as the transition was complete. Additionally a CPRA submitted to CA State Parks accidentally revealed a highly confidential contract with American River Conservancy and CA State Parks impacting private and public land along the entire American River Scenic corridor from downtown Sacramento to Lake Tahoe. As soon as CSP realized the contract had been sent to me in error, I was immediately contacted by counsel.

Meanwhile the public has been falsely led to believe that their input was valued and meaningful, when the decisions had all been made surreptitiously behind closed doors. ***The reality is the RMP and RMAC exists for the sole interests of American River Conservancy, CA State Parks and BLM.***

It is not good stewardship to allow RMAC to operate under mob rule, nor is it "Good Governance" by any stretch of the imagination. Begin by fixing the problem of government accountability, fiduciary responsibility, and transparency. Starting with code and law enforcement, hold their feet to the fire, thus ensuring compliance with the RMP and the Supreme Law of the Land.

Sincerely,



Melody Lane
Founder – Compass2Truth

Attached Exhibits A - G

7/5/14 @ 12:09 PM - Phone message from Jim XXXXX

Hi Melody, Jim XXXXX...I just thought I'd report to you I drove by your gate to see if you're at home but you're not there so I thought I'd leave a message. I called the Sheriff on the Resort last night for the noise and then for the fireworks and I called over at the Faieta's as well and told them I didn't think they wanted felons shooting off fireworks in their Park and that the Sheriff had been called and that they should go down there and take charge. And uh, Mariel called their manager and the manager told them it was all over at the American River Resort across the river. I called Mariel back and told her to get a manager that wasn't full of shit. She had lied and that it was back in their Ropes area. So anyway, we had an interesting night last night and the Sheriff did come out and he inspected, I mean the deputy came out and inspected and searched for fireworks. I don't know what the outcome was, but we had an interesting evening on the 4th. Thanks much. Talk to ya soon. Bye bye.

7/5/14 @ 4:10 PM - I called Jim XXXXX. Jim said he dialed 911 and they called EDSO. Jim played the long string of fireworks going off for the deputy while on the phone so they could hear what was going on. Jim thought the deputy's name started with a "D". Jim reported that while the deputy was at the resort the person on the loudspeaker got everyone's attention stating, "Let's let everyone know what good neighbors we are!!!" Jim threatened to call the Faieta's every time they made a racket even if it was at 3 AM. He'd go over there himself with a gun to prove his point. I told him to document all incidents with EDSO; dealing directly with the Faieta's was a waste of time. Jim was adamant about being "nice" to the Faieta's and he'd deal with it his way.

At approximately 4:50 PM on 7/5/14 I called Dispatch to get a case file number on XXXXX's call. Dispatch said there was no case file assigned, just a CFS # 742014-284. Was informed you must request a Citizen's Arrest for a case file number to be assigned. Dispatch operator claimed fireworks was a misdemeanor, not a felony. Most people won't file a Citizen's Arrest because it's just too "messy" to deal with. Informed her that we're trying to do our part as Citizen's Watch but we need EDSO to do their job and enforce the law.

Exhibit A

To: Theresa Simsiman
Sent: Thursday, January 22, 2009 9:15 PM
Subject: *Private Boater RMAC Update*

Hi Private Boaters,

Just wanted to send out the good news – I received a call today from Terry Gherardi assistant to Supervisor Ron Briggs. She wanted to assure me that Ron **has no intention of getting rid of the non-commercial boater position**. The appointment of Melody Lane as the non-comm boater was a mistake/misunderstanding on their part. Ron has received some private boater applications and in light of this recent dust up is proceeding with caution regarding selection – Terry was not in a position to share these applicants in Ron's absence but I do know that Hilde Schweitzer is one of them. (If I get anymore info I'll let you know) As for Melody it is my understanding that she may get placed as an added member to RMAC.

I would like to thank all those who emailed or called in their concern – as I understand it from Terry they got a lot of "knocks on their door". May want to now send them a note of appreciation too:

bosfour@co.el-dorado.ca.us

530-621-6513

One final note, I would like to thank & give recognition to Norwood Scott of American Whitewater for having our backs on such an important issue of representation. If you haven't renewed your membership – may want to do so now – AW is doing it's job.

Again, feel free to share with other private boaters!

Theresa Simsiman

Exhibit B

Melody Lane

From: "Melody Lane" <melodylane@calis.com>
To: "Theresa Simsiman" <jerica@earthlink.net>; "Ron Briggs" <bosfour@co.el-dorado.ca.us>
Cc: "Norma Santiago" <bosfive@co.el-dorado.ca.us>; "Rusty Dupray" <bosone@co.el-dorado.ca.us>;
 "Jack Sweeney" <bosthree@co.el-dorado.ca.us>; "Helen Baumann" <bostwo@co.el-dorado.ca.us>; "Ron Briggs" <bosfour@co.el-dorado.ca.us>; "Bryan Golmitz" <golmitzb@edso.org>; "Fred Kollar" <KollarM@edso.org>; "Jeff Neves" <nevesj@edso.org>;
 "Noah Rucker-Triplett" <noah.rucker-triplett@edcgov.us>; <hilde@amriver.us>; "Roger Trout" <rtrout@co.el-dorado.ca.us>
Sent: Friday, January 23, 2009 9:45 AM
Subject: Private Boater RMAC Update

Theresa,

I've been actively serving my community as a dedicated civil servant for the 10+ years I've lived here. However I don't recall that I've ever had the occasion to personally meet you.

First of all, I would caution you about the legal ramifications of generating slanderous and totally false statements involving my good name and reputation. I am intolerant of rumors and gossip that are defamatory in nature, particularly by individuals whom do not have a personal relationship with me. Not only does this reflect poorly upon you as the unofficial spokesperson for RMAC, but it is clearly indicative of the problems that have undermined our community like an infectious cancer.

Permit me to set the records straight. Not only am I a private boater, Class V rafter, and former kayak instructor for well over 20 years, but I am also a landowner/resident representing the voices of many other concerned citizens who desperately need to be represented in our district.



My active involvement with RMAC and interaction with government leaders has been ongoing for years. May I remind you that the RMAC position is an **appointment** made by the BOS. It is **not** a publicly elected position or a popularity contest as you've made it out to be. Supervisor Briggs was cognizant of the opposition and controversy it might generate. The appointment to RMAC was made when Ron personally called me, and in his case, a rare occasion indeed. He also assured me of his confidence in my ability as a professional to appropriately handle whatever might be thrown at me. I accepted the challenge as well as the honor to serve on RMAC.

Please cease and desist henceforth from generating broadcasts involving my name that are false and defamatory. I would also urge you to give serious consideration to rectifying the damage you've created by refocusing on the original purposes of RMAC and **supporting** our community.

Regards,

Melody Lane
 Above Trouble
 Coloma, CA

River Management Advisory Committee Meeting July 16, 2009

- I. RMAC Board Appointments 
 - A. Business Rep - Dave Martinez
 - B. Outfitter - Steve Liles
 - C. Non-Commercial Boater - Hilde Schweitzer
 - D. Landowner/Resident - Martin Harris
 - *  E. Parks and Recreation - Noah Rucker-Triplett - Environ. Mgt.
 - F. Member at Large - Marilyn Tahl + TIM LASKO
CA STATE PARKS - BILL DEITCHMAN & ERIC CARTER

- II. RMAC Responsibilities
 - A. River Management Plan
 - B. Development Services - Planning
 - C. Code Enforcement
 - D. Law Enforcement
 - E. CA State Parks - GDPA
 - F. CLVCA - Harry Mercado - Parks & Trails - COLOMA.COM
 - G. LAFCO
 - i. BLM
 - ii. American River Conservancy - LAND ACQUISITIONS ≥ PARKS

- III. Public Information Act
 - A. Meeting notices
 - B. Monthly minutes

*Advocate out on people?
Who Do You Serve?*

NON SEQUITUR by Wiley Miller

HOW THE ONES
AT THE TOP
STAY AT THE TOP

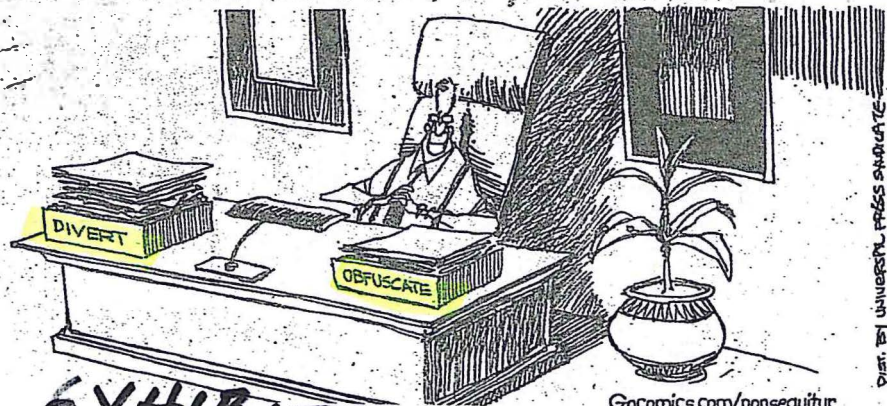
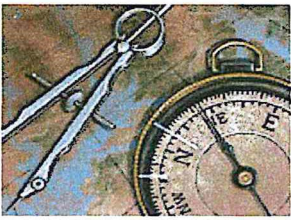


EXHIBIT C



COMPAS

Citizens Organized to Monitor Protect And Serve

NEWS RELEASE

Contact • Melody Lane • 530-642-1670 • melodylane@calis.com

Coloma, CA November 12, 2009 - **COMPAS**, a new citizens association has been formed in El Dorado County to do just what the name says - **Citizens Organized to Monitor Protect and Serve**. This very compelling mandate is the cornerstone of the newly formed group which dovetails perfectly with the Preamble of the CA Brown Act:

“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.”

COMPAS is comprised of concerned citizens, residents and dedicated volunteers. We believe that this statement and the hundreds of other legal requisites of the Ralph M. Brown Act and The Bagley-Keene Open Meeting Act pertain to the River Management Advisory Committee (RMAC), the State Department of Parks & Recreation, Marshall Gold Discovery Historic State Park, and other affiliated organizations in El Dorado County that work closely with government agencies.

The mission of **COMPAS** is to sustain the high quality of life in El Dorado County, to educate residents and visitors while providing focused direction and assuring protection from the effects of unmonitored management and a general degradation of the wonders and benefits of this historic county.

The goal of **COMPAS** is to preserve the environmental and historic heritage of El Dorado County for present and future generations. Included in this goal is the method of accountability of funds used to maintain the historic environment that makes the western slope of El Dorado County a safe and desirable area for residents and tourists alike. This objective includes citing informed suggestions for more desirable methods of operation in addition to accountability for historic artifacts, natural resources and designated funds.

Long standing controversies associated with the El Dorado County River Management Plan and the Marshall Gold Discovery Park have captured the attention of Governor Schwarzenegger and other legislators in

EXHIBIT D

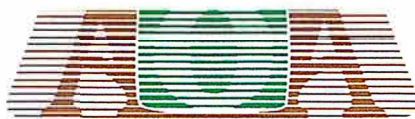
Sacramento. However few citizens fully comprehend the complexity of the controlling powers or how to effectively navigate these shark infested political waters. **In a CA non-profit benefits corporation the anonymity of group members is protected from intimidation or retaliation for exposing illegal operations and/or abusive manipulation by all agencies and their affiliates.**

A serious crisis of public safety and fiscal accountability lurks at the “world wide renowned Marshall Gold Discovery Park.” The El Dorado County Board of Supervisors and CA State Parks Director Ruth Coleman have continually turned blind eyes & deaf ears to concerned residents calls for action. **COMPAS** is calling for **investigation and action into these violations**, for which there are both Civil Remedies and Criminal Sanctions. **We pledge to get this information properly disseminated to the general public, State & National government offices, watchdog organizations and the media. Consultants view this as significant breakthrough in undetected and/or underreported accounts of dreadfully serious malfeasance at the site where the 1849 California Gold Rush had its beginning.**

COMPAS now has the tools and first-hand knowledge to expose many of the problems that for years have plagued this historic American River region. They may be partially summed up as: mislaid records, thousands of missing \$\$\$, lost artifacts, lack of code & law enforcement, private property encroachments, 5 recent arson fires, unethical business conduct, censorship and many serious public safety issues that have been swept under the rug of government bureaucracy. **COMPAS** provides the concerned citizens of El Dorado County a powerful venue to navigate conflicts and ensure that local and State government officials will no longer ignore those citizens in favor of special interest groups.

Since 1998 **COMPAS** President, Melody Lane has resided adjacent to the 500-acre Marshall Gold Discovery Historic State Park. She is Past President of the Bay Area Chapter of Executive Women International, has worked for El Dorado County Human Services as well as for the Executive Staff at Sacramento City Hall, and served as the 2001 President of the Gold Discovery Park Association. Her judicious record-keeping and deep concern for the area assures validity in forthcoming reports and materials **COMPAS** will bring forward. Additionally her wide experience involves several art organizations, an essential financial support to the area. She is currently the Public Relations/Membership Director for the International Association of Pastel Artists. Her home is ideally situated upon the historic Mt. Murphy overlooking the South Fork of the American River where the panoramic views have provided inspiration to artists of all mediums from throughout the world.

Melody is available for interviews of all kinds. **530-642-1670 • melodylane@calis.com** Photo included.



Alfa Omega Associates

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Tel/Fax: 530-888-1523 • Cell: 530-308-2689

E-mail: drdalesmith@aoaconsult.net

Dr. Dale Smith, H.H.D., General Manager

March 19, 2010

PRIORITY MAIL DELIVERY
CONFIRMATION

Mr. Robert Palacios
P.O. Box 545
Coloma, CA 95613

Mr. Palacios,

After seeing you once before at an RMAC meeting and hearing your odious recorded outbursts against Melody Lane, under such circumstances, your request of Ms. Lane certainly will not be fulfilled. I have advised her NOT to send anything to you from **COMPAS** or have any contact whatsoever with you.

Because of the past, it would not be prudent for you to speak to Ms. Lane at any time by any means or for any reason.

If you want to find out about **COMPAS**, you can read the newspapers or make your request to me and I will consider it.

Any kind of harassment of Ms. Lane by you at any time or location would be especially irresponsible. To be sure, not only is **AOA** watching and listening very carefully but also other organizations which monitor the actions of public agencies have been appraised of this unacceptable state of affairs in a number of departments in El Dorado County.

Sincerely yours,

Dr. Dale Smith

Cc: Bill Deichtman, RMAC Chair & Employee, Marshall Gold
Discovery Historic State Park
Greg Stanton, El Dorado County, Environmental Management
Noah Rucker-Triplett, El Dorado County River Recreation
Bill Salata, Public Safety & Enforcement – CA State Parks
Melody Lane, President, **COMPAS**
Area media and other interested parties

EXHIBIT E

<http://www.laketahoenews.net/2017/08/opinion-edc-wasting-money-river-committee/>

<http://www.mtdemocrat.com/opinion/the-balancing-act-disbanding-river-management-advisory-committee/>

Opinion: EDC wasting money on river committee

PUBLISHED: AUGUST 23, 2017

By Larry Weitzman

In case you are wondering, RMAC is the acronym for the River Management Advisory Committee, a committee set up in the early 1980s by the Board of Supervisors to help advise them on river and nearby land use issues. It is composed of more than five members who have a vested interest in the river: an outfitter, a commercial rafter, a resident land owner, two members of State Parks, a business representative, a private boater, and two members at large.

Meetings are attended by a few people. At the one I attended on Aug. 14 about 10 interested people were there, mostly from the rafting community.

Adam Anderson is the chair and business representative. His connection is ownership of the Villa Florentino, which is under scrutiny regarding its special use permit because of complaints. A hearing is scheduled shortly in front of the Planning Commission. Anderson lives somewhere in Placerville, away from the river. I can't tell you the names of the four other members in attendance. Also in attendance were our very competent Deputy Chief Administrative Officer Laura Schwartz and Vickie Sanders of Parks and Recreation.

The committee meets about 11 times a year, which creates a huge problem for taxpayers. But first I must describe the meeting I attended which lasted nearly two and a half hours. My time watching Looney Tunes was better spent, it was so unproductive (maybe it was a live action Looney Tunes). Not only did not one panel member understand their charge, they didn't even understand their own agenda which consisted of three items. The first one was the approval of the prior meeting's erroneous minutes and the approval of the agenda for that night.

I also attended the prior meeting at the Marshall Gold Discovery Park Museum, which seemed to operate ultra vires. They were mostly concerned about the county's recommendation that RMAC be disbanded.

After listening to Schwartz's description of the nonfunctioning RMAC, many times not fielding a quorum, not understanding their duty or "job," not understanding their purpose, and certainly not understanding the Brown Act or how to conduct a meeting, it didn't take a rocket scientist to see the writing on the wall.

After two and a half hours, the meeting was done and nothing was accomplished but to set another meeting and perhaps another special meeting before the regularly scheduled meeting. The only thing I learned from the RMAC meeting was government dysfunction at its worst. But there is more.

Attending this meeting were two very highly paid EDC employees. In fact, their total annual cost to EDC including salary and all benefits as reported by Transparent California exceeds \$400,000. That's an hourly cost of more than \$200 an hour combined. I am not begrudging the fact that they are paid a lot of money. I am sure they work hard; I know Schwartz does. What I am pointing out is the fact that each of these meetings cost the taxpayer a lot of money.

You can be sure, with prep time, travel time, post mortem time after the meeting and actual meeting time, this meeting cost you and me at least \$1,000 or more for each one of these county dysfunctions. And they do this 11 times a year and have done so for years. You can do the math, but this RMAC thing is no free ride.

And now there is an outcry that the CAO staff, and Parks and Rec staff has recommended that RMAC be disbanded. Why did it take this long? To add some gasoline to the fire, RMAC has been nothing more than to protect the interests of the commercial rafting industry, the concessionaires along the river and other related enterprises. Have they solved any problems? No. The noise, crime, vandalism, and pollution are as big as ever. Have they ever told the board that it's many times out of control? Of course not. But they do tell the board what a boon they are to the county. Yeah, sure. So is Walmart, Big O Tires and every other business in the county, especially the hotels and motels. We get a special 10 percent tax off that tourist industry.

Let's determine what the "industry" really costs the county, sheriff, emergency response, environmental management, code enforcement, and SUP violations. We need to know the whole nine yards and then the causation needs to pay their way. Not the taxpayers. Disbanding RMAC is a great start. That alone will save the county over \$10,000 a year, more money that can be used for potholes and senior legal. Now let's get an accounting of and for everything.

Larry Weitzman is a resident of Rescue.

EXHIBIT F

➤ **Mark Anderson** Staff Writer *Sacramento Business Journal*

El Dorado County will revoke or revise the events permit for a high-end luxury bed and breakfast inn, which could shut the operation down.

Villa Florentina in Coloma faces the potential revocation of its permit because of neighbors' noise complaints. The planning commission decided Thursday that the operation should have its events permit revoked or modified.

Villa Florentina in Coloma.

VILLA FLORENTINA

That action will be taken at a later meeting that has not yet been scheduled.

Villa Florentina is permitted to have 20 events per year, and it has no problem booking all of those dates for outdoor weddings, said Adam Anderson, owner of the venue.

The villa is a 4,000-square-foot house on a nearly 3.6-acre property that includes an olive orchard overlooking the American River. The inn itself has only three rooms, and if the operation cannot have events, it's not worth running the bed and breakfast, Anderson said.

Anderson said he makes a point of using local wedding planners, caterers and vendors, and he sees the no-event rule as a no-win situation.

"There isn't enough money in just the rooms," he said. "We'll see what the county comes back with."

Events at the inn have been found to violate the county's sound ordinance, and a neighbor has complained repeatedly about the venue's noise.

"We can't control people clapping, whistling or hooting," Anderson said. "We can't tell people they can't make the sounds of happiness."

El Dorado County has been at the forefront of developing rural tourism in the Sacramento region. The seasonal agricultural attraction Apple Hill, which has drawn tourists since the early 1960s, is in El Dorado County. The county also has promoted a wine trail at its 60 rural wineries, and is home to many Christmas tree farms.

Villa Florentina is in the heart of the Coloma tourist area, where rafting companies, camping resorts and other bed and breakfast inns are clustered around the Marshall Gold Discovery State Historic Park on the South Fork of the American River.

The inn is at 6673 Carvers Road on the northeast side of the river from where James Marshall found gold in the tailrace of Sutter's Mill in 1848.

EXHIBIT 9

Agritourism has boosted the economies of some rural areas of the Sacramento region, but it has also created conflicts. Those have included legal disputes in Yolo County [between rural wedding venues and farmers](#). In El Dorado County's Apple Hill, rural residents have complained of traffic gridlock in the height of the fall harvest season.

Mark Anderson covers agriculture, banking and finance, restaurants and hospitality for the Sacramento Business Journal.

<https://www.bizjournals.com/sacramento/news/2017/03/20/neighbors-want-to-shut-rural-coloma-wedding-venue.html>

Neighbors want to shut rural Coloma wedding venue for noise complaints

Mar 20, 2017, 3:07pm PDT

INDUSTRIES & TAGS



Mark Anderson Staff Writer *Sacramento Business Journal*

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Villa Florentina is in the heart of the Coloma tourist area, where rafting companies, camping resorts and other bed and breakfast inns are clustered around the Marshall Gold Discovery State Historic Park on the South Fork of the American River.

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COURTESY OF VILLA FLORENTINE

The inn is at 6673 Carvers Road on the northeast side of the river from where James Marshall found gold in the tailrace of Sutter's Mill in 1848.

Villa Florentina got a permit to operate as an outdoor venue for weddings in 2011. Two years ago, [Adam Anderson](#) bought the property and began operations.

Some neighbors complain the weddings are too loud, especially amplified music from DJs at wedding parties. Those complaints have led to the use permit hearing Thursday before the county's planning commission.

The inn is located in a grove of 450 olive trees, and has permits to hold up to 20 special events with a maximum of 189 guests from April through October. The events can occur between 9 a.m. and 9:30 p.m.

Sometimes the DJs have played the last song until 9:34 p.m. or 9:38 p.m. One neighbor has documented the violations.

The wedding business is integral to booking the three guest rooms on the property, Anderson said. It also has provided work for local caterers, florists, wineries and others in the area, he said.

The river valley is filled with campgrounds, other lodgings and Airbnb rentals, Anderson said. "The park has events. The resorts have events. People assume it is me."

Agritourism has boosted the economies of some rural areas of the Sacramento region, but it has created conflicts. Those have included legal disputes [in Yolo County](#) between rural wedding venues and farmers. And in El Dorado County's Apple Hill, rural residents have complained of traffic gridlock in the height of the fall harvest season.