

#6

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EDC COB <edc.cob@edcgov.us>

Please pull 1/26/16 BOS Consent Item #6 for public discussion

1 message

Melody Lane <melody.lane@reagan.com>

Mon, Jan 25, 2016 at 11:21 AM

To: Jim Mitrison <jim.mitrison@edcgov.us>, edc.cob@edcgov.us

Cc: michael.ciccozzi@edcgov.us, Paula Frantz <paula.frantz@edcgov.us>, Pamela Knorr <pamela.knorr@edcgov.us>, michael.ranalli@edcgov.us, Joe Harn <joe.harn@edcgov.us>, bosfive@edcgov.us, bosfour@edcgov.us, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Please pull Item #6 for public discussion and include the entirety of the attached correspondence:

6. 16-0008 County Counsel and Clerk of the Board recommending the Board

approve and authorize the Chair to sign perpetual Agreement 252-S1611 with WebQA, Inc. for countywide implementation of "GovQA

Freedom of Information Act" applications that provide a central, web based platform to capture and track responses to Public Records Act requests. The approximate cost for the first year is \$11,900 including

implementation and anticipated costs of \$8,500 annually thereafter.

FUNDING: General Fund.

Note Counsel and/or Mr. Harn have not appropriately responded to the attached CPRA. For that matter, there are several other delinquent CPRAs. The purpose of our 11/12/14 meeting with Robyn Drivon and Paula Franz was specifically to address this perpetual problem.

Thanks for your anticipated cooperation.

Melody Lane

Founder - Compass2Truth

~ By identifying the people's sovereign will not with its latest but its oldest expression, the Framers succeeded in identifying the people's authority with the Constitution, not with the statutory law made by their representatives. ~

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Monday, January 04, 2016 8:25 PM

This is a list of attorneys that the County paid during the fiscal year ending June 30, 2015. The list may be incomplete. Some of the attorneys provide consulting services rather than legal services.

A number of the law firms have had a relationship with the County for years.

Joe Harn

Auditor-Controller

El Dorado County

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

From: **Keely Giovannoni** <keely.giovannoni@edcgov.us>

Date: Mon, Aug 31, 2015 at 4:23 PM

Subject: Re: Legal

To: Joe Harn <joe.harn@edcgov.us>

(530) 621-5421
(530) 295-2535 FAX

3 attachments

 **12-24-15 CL FSC Response to Drivon.doc**
94K

 **12-15-15 Outside Legal Contractors.doc**
81K

 **Counsel Agenda 11-12-14.docx**
30K



Compass2Truth

Citizens Serving God in Truth and Liberty

P.O. Box 598
Coloma, CA 95613

December 24, 2015

County Counsel Robyn Truitt Drivon
County Government Center
330 Fair Lane
Placerville, CA 95667

RE: CA Public Record Act Requests – Coloma Lotus Fire Safe Council

Dear Ms. Drivon,

Thank you for your letter dated December 17, 2015. However you were in error about a duplicate submittal of the December 2, 2015 CPRA regarding the Coloma Lotus Fire Safe Council. Note that particular CPRA was submitted to the Clerk of the Board on December 15, 2015 as an attachment referred to in item #4 of my Open Forum presentation. **(See Exhibit A)**

A separate CPRA dated 12/15/15 regarding outside legal contracts was submitted into the public record as document #5. A response from Counsel is due by December 31, 2015.

Compass2Truth specifically requested the *names of the CL FSC officers and how/by whom they were elected*. Despite phone calls, emails and public inquiries made on multiple occasions Supervisor Ranalli, staff and County Counsel have refused to respond to requests for public information regarding the Coloma Lotus Fire Safe Council (CL FSC). We allege a pattern of violations of **Government Code § 6200-6203**:

6200. Every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any purpose, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years if, as to the whole or any part of the record, map, book, paper, or proceeding, the officer willfully does or permits any other person to do any of the following:

- (a) Steal, remove, or secrete.
- (b) Destroy, mutilate, or deface.
- (c) Alter or falsify.

6201. Every person not an officer referred to in Section 6200, who is guilty of any of the acts specified in that section, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

6203. (a) Every officer authorized by law to make or give any

certificate or other writing is guilty of a misdemeanor if he or she makes and delivers as true any certificate or writing containing statements which he or she knows to be false.

(b) Notwithstanding any other limitation of time described in Section 802 of the Penal Code, or any other provision of law, prosecution for a violation of this offense shall be commenced within four years after discovery of the commission of the offense, or within four years after the completion of the offense, whichever is later.

(c) The penalty provided by this section is not an exclusive remedy, and does not affect any other relief or remedy provided by law.

Tim Kulton also refused to reveal this public information to an “active member” of the FSC as evidenced by his email correspondence. It is significant that Mr. Kulton, Supervisor Ranalli, as well as CA State Parks Ranger & RMAC representative Bill Deitchman have all been advised not to speak with me which constitutes a violation of my Civil Rights. **(See Exhibit B)**

It is evident Mr. Kulton’s 12/19/15 response was drafted by County Counsel on behalf of “a *private non-profit*, public benefit corporation formed as a tax exempt entity”. The CL FSC is a non-government organization (NGO) represented by EDC staff at taxpayer’s expense which is in violation of **Government Code Title 18 §241 and §242**.

Additionally please note the following American BAR Association Code of Ethics violations:

Maintaining The Integrity Of The Profession
Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) **engage in conduct involving dishonesty, fraud, deceit or misrepresentation;**
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or **other law**; or
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct **or other law**.

We are doubtful that Counsel submitted “all correspondence between Supervisor Ranalli, Tim Kulton, Deborah Kruse, and all officers and active participants” as requested in the 12/2/15 CPRA. Accordingly I wish to bring to your recollection the purpose of our 11/12/14 meeting. Note these particular transcript excerpts:

CONCERNING RESOLUTION #113-95 VERSUS AB1234, WE HAVE NOT RECEIVED A RESPONSE FROM COUNSEL AS PER THE FOLLOWING:

Melody: This is The Guide to the Public Records Act.

Lawyer-Witness#1: OK. I think you sent me that.

Melody: Yes I did. But it says right on here “Not by local.” And the Sheriff has been reminded of that, and I think you were present at a TEA Party Patriots meeting in El Dorado Hills when I brought up this whole thing about the Sheriff... you know...wanting to charge \$10. It’s called Unjust Enrichment. And he says that’s how he... you know...he publicly said this...that’s how he raises funds for his department. It’s against the law. Bad thing to say. And when he was challenged I said, “Oh, so you have to pay for justice?” He closed the meeting out and he stormed out of the room. And that’s a pretty serious charge there.

Robyn: Well, let’s just put a star by that one and I’ll...I’ll take a look at that.
###

Melody: And that’s part of something I want to cover on here too. And if you look under number 3, Obstacles, number 113-95 versus AB1234. Uh, this has to do with the Sheriff’s Department. The Resolution 113-95...in our meetings which Lori has been at practically all of those that we’ve been having with Norma Santiago...this Resolution which is supposed to be on the El Dorado County government website is not on there. And uh...that’s because AB1234 was passed in 2005 which rendered 113-95 obsolete. That had to do with the different fees you can charge, and this is where you get into the ethics training. The whole thing about AB1234 you can’t charge any more than the direct costs of duplication...

Robyn: Uh Melody...Melody...I ah have to just interrupt a...I disagree. And the county as a whole disagrees. I looked...I looked into that for you when you sent the letter about the Sheriff’s resolution. The Sheriff’s resolution has never been rescinded. This is still in effect. When I...when I asked for it from the Clerk’s Office they got it right away. Um, but the Public Records Act still says that you can charge either the direct costs of duplication or a statutory fee. And...

Melody: Not according to what I’ve got.

Robyn: Well...the...the...the Public Records Act in the government code says that you...you can...you...you...it is...(long pause)....

Paula: And that might just to put a star because...

Melody: This is an issue. And just so you know in one of our meetings I think it was in um...it was either in Apr...May or June...when we met with Norma...and Norma confirmed that 113-95 is not on the government website. County Counsel Ed Knapp had gone over this whole deal. I had conversations with Ed Knapp and he agreed. And Norma agreed and said in their conversations with Counsel that 113-95 was rescinded. I was correct...and I’ve got the audio.

Paula: Could you put a star on that one?

Melody: Yeah, put a star on that one because that’s one we’re going to need to follow...

Lawyer-Witness#1: 113-95 would that be a county resolution...or is that...that’s a county resolution, correct?

Paula: It’s a county resolution.

Melody: It’s a county resolution.

Lawyer-Witness#1: 1234 would be superior to that.

Robyn: Yeah...if...if...if it...if it...

Lawyer-Witness#1: State law is superior to county law if there's a conflict.

###

CONCERNING APPROPRIATE RESPONSES TO CPRAS WE HAVE NOT RECEIVED YOUR REPLY REGARDING INDEXING, IT-BACKUP AND RECORD RETRIEVAL:

Paula: Well...let me just say...what I started to say was um, I haven't been involved as you know with this up until now but I do um...help all of my departments...but I do represent with all the various Public Record Act requests that they get and that's where...that was the basis for what I said was a lot of it is...that...I used to say all of the time that when I first got here that the Keystone Kops don't conspire...They're too stupid to. And...and...(laughter). Our record system is stupid. Let me just start by that. We don't have a well-set forth...um...By the way...are you...are you taping me?

Melody: I am.

###

Lawyer-Witness#1: Well you could say the record system is...difficult.

Paula: OK. Exactly. The record system is antiquated and not necessarily very um...thoroughly integrated because as I said they've been in different... um...different places and there are just various buildings. So it is not as easy as you might think when you said to me...just to the county...there's no such thing as just a county centralized record system. CDA which was...several other departments... kept their own records...their um...(long pause)...their own...er...

Lawyer-Witness#1: They're all over the place...

Paula: ...and they're kept separately.

###

Melody: Now is the County email system and everything else...all of their electronic records backed up every night?

Paula: You know I would not be the right person to ask about all of that. You know I'm not the IT person and people will tell you I'm not that IT savvy. I don't even have a cell phone. I never tape record anybody. Um, I don't...I...I...I tend to be still where I pick my (?)...but my understanding is yes it is backed up um, every night but I...I couldn't guarantee that because I don't work in IT and I've never been down there to see how they do it.

Melody: But my understanding is, especially when you are dealing with government entities, everything has to be backed up. I mean look at...

Lawyer-Witness#1: Unless you're the IRS.

Melody: Yeah. I was going to say...yeah. Look at the IRS. I was going to say that whole missing records were found.

###

Melody: This is one CPRA that I received in the mail where I asked for correspondence and I got maps.

Paula: And my understanding was that the response to that...was...was that...

Melody: But I still haven't got correspondence. (laughter)

Paula: But that's a different issue. Because...because...let's just talk about a different issue. The only one I've done which was October 20th.

###

REGARDING THE INDIVIDUAL/GOVERNMENT ENTITY RESPONSIBLE FOR FOLLOW UP, TRACKING AND TIMELY RESPONSES TO CPRAS:

Melody: OK. Is...is there going to be a point person or personnel now that Ross is gone that's going to be coordinating logging and tracking?

Paula: Yes. Our...our...um...(long pause)...our business manager...our...I don't know exactly what her title is...um but she has agreed that she will take on the...the duty...the...our administrative duties...

Lawyer-Witness#1: Our...our meaning the County Counsel.

Melody: Yeah. How's that going to work?

Paula: She...she will be...um...you know...taking...taking the documents and scanning...um...putting them in the...um...putting them...you know...they came in and they went out and...and who I direct them out to...and when...when...

###

Robyn: Can I just...and I think that's kind of a...a...an example...of...what were' trying to do...with this meeting...is a process and with any luck we've got fine-tuned is...you know the spirit of the Public Records Act is...to help...when you ask for some...thing...that may or may not exist but it also may not be the best source of...

Paula: ...the information...

Robyn: ...or most utilitarian. And so if we can just have...you know...Molly is going to be a Nazi about the spreadsheet in term of timing. But Paula and whoever it is as staff can help you in that translation. I think that's what...

The courtesy of your response to these unresolved CPRA issues is expected prior to your departure from EDC employment in January.

Respectfully,

Melody Lane
Founder – Compass2Truth

CC: Sr. Deputy Counsel Paula Franz
Board of Supervisors District 1, 2, 3, 4 & 5
HR Director Pamela Knorr
CSP Counsel Rory Allen

Attachments:

Exhibit A – 12/15/15 Open Forum transcript
Exhibit B – 12/19/15 Kim Kulton email



Compass2Truth

Citizens Serving God in Truth and Liberty

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

December 15, 2015

To: El Dorado County Board of Supervisors
EDC Clerk to the Board

CA PUBLIC RECORDS ACT REQUEST

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain the following:

- Documentation from the County Auditor identifying each of the outside law firms contracted by El Dorado County to supplement County Counsel's team of 14 lawyers; and
- The total annual dollar amount budgeted and/or allocated to each of those outside law firms, and
- The percentage of the county budget and/or General Funds annually allocated solely to Law and Justice.

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 legal authorities on whom you rely.

To avoid unnecessary costs of duplication, electronic copies are acceptable and may be emailed to melody.lane@reagan.com. It is requested that your determination be made within **10 days** as stipulated within the California Public Records Act, **Government Code 6253(c)**.

Thanks for your anticipated cooperation and timely reply.

Melody Lane
Founder – Compass2Truth

Wednesday November 12, 2014 @ 10:00 AM

Robyn Drivon/Paula Franz

- I. CPRAs - FOIA
 - A. CAO - Ross Branch
 - B. Process - Coordination, logging, tracking
 - C. Spreadsheet Discrepancies
 - D. EDSO

- II. Brown Act – Bagley Keene Act Violations
 - A. BOS Agendas
 - B. Censoring/minimizing info.
 - C. Technical Difficulties

- III. Obstacles - Bureaucratic Shenanigans
 - A. Communication breakdown
 - B. Resolution 113-95 v. AB1234
 - C. Fees - Paper v. electronic copies or CD
 - D. Code/Law Enforcement inconsistencies
 - E. Diverted responses/lack of response

- IV. Solutions – Follow up
 - A. 10/21 CPRA presentation – publish CPRAs to government website?
 - B. Transparency/Accountability
 - C. Right-to-know v. media blackout