



M. Lane Open Forum 4/11/17
Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

March 29, 2017

TO: District #4 Supervisor Mike Ranalli
District #2 Supervisor Shiva Frentzen

CC: EDC Planning Commissioners
CAO Don Ashton
Supervisor Brian Veerkamp
Supervisor Sue Novasel
Supervisor John Hidahl

RE: 3/23/17 Planning Commission Hearing – RMP & Villa Florentina

Dear Supervisors Frentzen & Ranalli,

Please ensure the entirety of this correspondence is posted to Public Comments for Villa Florentina SUP scheduled for the August Planning Commission hearing. The following comments apply to the 3/23/17 Planning Commission Consent Item #2 – RMP Update & Implementation, and Item #5 – Villa Florentina SUP hearing:

Note I did not address Mike Ciccozzi during the 3/28/17 Open Forum. My purpose in specifically addressing Supervisor Ranalli and Chair Frentzen was to briefly dialog, as permitted under the Brown Act, and receive a public response as to scheduling the item on the BOS calendar for public dialog and remedial action by the BOS.

Refer to the Brown Act § 54954.2(a) and § 54954.3 (c) which state in part,

*“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...These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such prohibition promoted discussion artificially geared toward praising and maintaining the status quo, thereby foreclosing meaningful public dialog...The purpose of the discussion is **to permit a member of the public to raise an issue or problem** with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or **schedule the matter for a future meeting.**”*

Additionally, based upon the BOS knowledge of falsified data submitted by Parks & Recreation staff member Noah Rucker-Triplet and CSD Director Roger Trout, and the subsequent denial of the public's due process, I

also submit this request to appeal and reverse the 3/23/17 Planning Commission Consent Item #2 unanimous vote to:

- 1) Approve 2016 Annual Report to implementation of RMP; and
- 2) Recommend continued implementation of the River Management Plan as currently prescribed

Prior to the hearing sufficient evidence was submitted for the #5 Villa Florentina SUP and request to pull from Consent Item #2 RMP Update. Apparently those materials were not read by the commissioners or properly posted to the government website. My records indicate one of the emails I had submitted was NOT posted to #5 Villa Florentina SUP. Lucky I had those materials with me which I presented three times to Char Tim during the hearing before she finally accepted them into the public record. ***Also significantly omitted was Adam Anderson's power point presentation that falsely targeted my home as a "noise hot spot" on a map of the river.***

You, our elected officials, are responsible to deal directly and transparently with the constituents whom you profess to serve. *Counsel has no authority whatsoever to respond on behalf of the BOS or any other EDC employee, nor is it appropriate for Counsel to give his opinion and/or interpretation of the law.* Mike Ciccozzi's comment to post missing documents *after the public hearing* is a typical form of discrimination artificially geared toward praising and maintaining the status quo, thus ***denying the public their right to due process.*** As such Mike Ciccozzi's reply was unacceptable.

Adam Anderson is not an exception to the law or any of the RMP restrictions in the Quiet Zone of the S. Fork American River. Adam has an apparent conflict of interest with RMAC, and in the presence of Supervisor Ranalli, Adam has proven his lack of integrity. Mr. Anderson has abused the authority delegated to him by you, the entire Board of Supervisors.

Furthermore, The Mountain Democrat article was a blatant misrepresentation of the 3/23/17 Planning Commission hearing orchestrated by the Chamber Political Action Committee (CPAC). Commission Chairman Gary Miller turned the Villa Florentina hearing into a biased kangaroo courtroom. The Channel 13 public relations stunt, plus special considerations given to Adam during the 3/21 BOS Open Forum, perpetrated sympathy and certainly generated profitable revenues in support of his plight.

<http://sacramento.cbslocal.com/tag/villa-florentina/>

Supervisor Frentzen, you especially need to be aware that District #2 Commissioner Gary Miller violated the Brown Act in addition to being discriminatory, disrespectful and arrogant during the 3/23/17 Commission hearing. I was the *only person whom he harassed*, demonstrating exactly the same unacceptable behavior as Ron Mikulaco while he was Chairman of the BOS. Gary's mocking attitude while we spoke Tuesday evening was bizarre, abrasive and unreasonable. This is just a sampling of some of his comments when I questioned his voting rationale and unprofessional conduct during the hearing:

"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!...There is nothing in the Brown Act that says you can talk 3 or 5 minutes. 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."

It is troubling that Commissioner Miller remarked about his fear of being sued. Similar comments were made by Kim Kulton during the February 15th CL Fire Safe Council. Some of the same community members at the CL FSC meeting addressed the 3/23/17 Planning Commission hearing as mentioned in the Mtn. Democrat

article concerning the Villa Florentina SUP. This is an issue that Supervisor Ranalli and Roger Trout have taken great pains to avoid addressing, particularly as it involves the RMP, SUP violations, Code & Law Enforcement, and related public safety issues in Coloma.

Comments made by Roger Trout during the Villa Florentina hearing raised several red flags, particularly his evident reluctance to respond to numerous requests for the written "3-strikes" Special Use Policy. How can a policy be enforced if it doesn't even exist?

Over the years we had met with Roger Trout, Sheriff D'Agostini, Supervisor Ranalli, Supervisor Briggs, Don Ashton and County Counsel on several occasions to discuss the 3 strikes policy and related code and law enforcement matters. However all meetings proved to be exercises in futility primarily because Roger Trout and Supervisor Ranalli remained unresponsive to constituent concerns about SUP enforcement affecting the entirety of El Dorado County.

Finally a District #4 constituent who couldn't be present for the hearing submitted a CPRA for the 3 strikes policy. It wasn't until 3/28/17 that I received the following response to the CPRA:

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.

Thank you,
Jim Mitrisin
Clerk of the Board

Special Use Permits are a major component of the RMP, particularly restrictions put upon business establishments within the Quiet Zone of the S. Fork American River.

During the hearing when District #4 Commissioner James Williams addressed concerns discussed prior to the hearing, Noah Rucker-Triplett made some disturbing comments and revealing admissions concerning the River Management Plan. Noah stated RMAC isn't required to respond to the public, nor had the RMAC held any meetings since the Annual November 2016 RMAC. That meeting was in reality less than 25 minutes in duration with only three members of the public present, me included. Additionally there was no Annual RMP Update submitted to the Planning Commission for the year 2015.

Commissioner Williams made the astute observation that the RMAC can't advise the BOS if they aren't meeting or the RMAC issues aren't publicly vetted. However Chairman Miller recommended approval of the RMP as submitted by staff. Subsequently the Commission unanimously approved the RMP despite the apparent discrepancies which had been brought to their attention. Apparently the facts didn't matter; business as usual. Thus the public was denied due process in violation of the Brown Act and legal mandates within the RMP.

The BOS has been made aware of the frequent RMP violations and safety aspects affecting the quality of life for river residents within District #4. Yet your failure to effectively address and remedy these issues is dereliction of duty making you complicit in their perpetuation.

Accordingly, you've been reminded on more than one occasion of AB1234 Mandatory Ethics Training for Public Officials, wherein it states in part:

- The law provides only minimum standards for ethical conduct. Just because a course of action is legal, doesn't make it ethical/what one ought to do.

- Because of the breadth of federal anticorruption law, 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 the state law, it may not be lawful under federal law.
- Conduct the public's business in open and publicized meetings, except for the limited circumstances when the law allows closed sessions.
- Allow the public to participate in meeting, listening to the public's views before decisions are made.
- Cannot retaliate against those who whistle-blow.
- Must conduct public hearings in accordance with due process principles.
- The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.
- Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.
- Violating the conflict of interest laws could lead to monetary fines and criminal penalties for public officials. *Don't take that risk.*

Included as an attachment is the Ron Mikulaco Declaration-Affidavit referenced above. It should serve as a wake-up call to all public officials to take their Constitutional Oaths seriously. Don't forget, you work for us.

In anticipation of your cooperation and in accordance with Constitutional principles I look forward to your prompt response.

Sincerely,



Melody Lane
Founder – **Compass2Truth**

Attachments:

1. 3/27/17 Villa Florentina Mtn. Democrat article
2. Ron Mikulaco Declaration-Affidavit

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Melody Lane

From: Melody Lane <melody.lane@reagan.com>
Sent: Thursday, March 30, 2017 12:18 PM
To: 'Shiva Frentzen'
Cc: Michael Ranalli; john.hidahl@edcgov.us; sue.novasel@edcgov.us; brian.veerkamp@edcgov.us; Jim Mitrison (jim.mitrison@edcgov.us); 'James Williams'; 'gary.miller@edcgov.us'; 'jeff.haberman@edcgov.us'; 'jeff.hansen@edcgov.us'; 'brian.shinault@edcgov.us'; 'planning@edcgov.us'; Roger Trout (roger.trout@edcgov.us); Roger Niello (roger.niello@edcgov.us); 'bosfive@edcgov.us'; bosfour@edcgov.us; 'bosone@edcgov.us'; 'bosthree@edcgov.us'; 'bostwo@edcgov.us'
Subject: RE: Your request at the BOS meeting on 3/28/2017....RMP & Villa Florentina SUP
Attachments: RMP Villa Florentina SUP 3-29-17.pdf

Shiva,

Your reply is unacceptable.

County Counsel is in error. Furthermore Mike Ciccozzi has *no authority* to respond publicly on your behalf such as transpired during Tuesday's Open Forum.

Please refer to the attached letter you should have received yesterday evening.

Melody Lane

Founder – Compass2Truth

"Integrity without knowledge is weak and useless, knowledge without integrity is dangerous and dreadful." — Samuel Johnson, (1709-1784) *Rasselas*, ch. 41

From: Shiva Frentzen [<mailto:shiva.frentzen@edcgov.us>]
Sent: Wednesday, March 29, 2017 4:02 PM
To: Melody Lane
Cc: The BOSTWO
Subject: Your request at the BOS meeting on 3/28/2017....

Melody,

Please see below the response from County Counsel in regards to your public comment on 3/28/2017.

Supervisor Frentzen,

David Livingston followed up with Char Tim regarding the complaint by Melody Lane that documents she submitted at the last Planning Commission meeting were not posted. Documents submitted by Melody prior to the hearing were posted. It was always the intent to post the documents presented by Melody at the time of the hearing. Char was out sick and so there was a slight delay. Those documents as well as documents presented by others at the hearing will be posted today.

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Regards,

Shiva Frentzen

El Dorado County Supervisor District 2

530.621.5651

bostwo@edcgov.us

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CALIFORNIA BROWN ACT

PREAMBLE:

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

CHAPTER V.

RIGHTS OF THE PUBLIC

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

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

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

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