

7/22/2020

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Public Comment #1



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**Document #3 - Please post to 7/23/20 joint BOS/Planning Commission agenda**

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Melody Lane <melody.lane@reagan.com>

Tue, Jul 21, 2020 at 10:45 PM

To: edc.cob@edcgov.us

Cc: Donald Ashton <don.ashton@edcgov.us>, lori.parlin@edcgov.us, sue.novasel@edcgov.us, john.hidahl@edcgov.us, shiva.frentzen@edcgov.us, brian.veerkamp@edcgov.us, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Please ensure the entirety of this message with attachments are publicly distributed via Govdelivery system and posted to the 7/23/20 joint meeting agenda of the BOS – Planning Commission regarding Good Governance.

On June 30<sup>th</sup> I submitted into the public record two notarized affidavits concerning Supervisor Brian Veerkamp's dereliction of duty to remove Kris Payne from the Parks and Recreation Commission for violating his Principal Agent Oaths of Office. When any public official has knowledge of wrongdoing, yet fails to take corrective action of the agent, then that public official aids and abets the unlawful action of the agent, thereby maintaining the errant status quo, and thus becomes complicit and liable. Both principal Veerkamp and agent Payne can be held liable for violating their oaths of office and rights of the public. Acting on behalf of the Board of Supervisors, Chairman Veerkamp has publicly demonstrated his unwillingness to stop the perpetual violations of constitutional mandates, my secured inherent rights and due process committed by District #3 Commissioner Payne.

The Board of Supervisors were apprised on several occasions of the illicit conduct of Commissioner Kris Payne, but they all failed to reply, or took no action whatsoever to either stop or correct his continued violations of the Brown Act, my rights secured in the Constitutions, due process of law and Principal Agent Oaths of Office. When you and other public officers violate the Constitutions at will, as an apparent custom, practice and policy of office, you and they subvert the authority, mandates and protection of the Constitutions, thereby act as domestic enemies to these Republics and their people.

*Melody Lane*

**Founder – Compass2Truth**

**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."

7/22/2020

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 **ML Affidavit\_Veerkamp 06-2020.pdf**  
10537K

 **Brown Act Rights of the Public.docx**  
16K

## AFFIDAVIT/DECLARATION OF TRUTH

District #3 Supervisor Brian Veerkamp  
Chairman, El Dorado County Board of Supervisors  
330 Fair Lane  
Placerville, CA 95613

I, **Melody Lane**, the undersigned, hereinafter: Affiant/Declarant, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and solemnly swear, under oath, before a certified California Notary Public, that I am of legal age and of sound mind and hereby attest that all the information contained in this Affidavit/Declaration is true, correct and admissible as evidence.

This Affidavit/Declaration of Truth is lawful notification to you, Brian Veerkamp, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and The Declaration of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1, and requires your written rebuttal to me, specific to each and every point of the subject matter stated herein, within 30 days, via your own sworn and notarized affidavit, using true fact(s), valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection or that of those who represent you. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

### **Affiant/Declarant hereby affirms that the following actions and events took place:**

On May 16, 2020, I sent you, District #3 Supervisor Brian Veerkamp, via USPS certified mail, a letter which you received on May 22, 2020. That letter, attached hereto, incorporated herein as if fully set forth in this Affidavit/Declaration, and marked **Exhibit A**, was sent to inform you of these events and statements made by you, and also as an inquiry to ascertain whether you, Brian Veerkamp, support and uphold them or would rebut them.

My claims, statements and averments also pertain to your actions, committed against me, by which you failed to provide honest public services, pursuant to the oaths

under which you were delegated limited authority to assume your position and conduct duties thereunder. When any public official has knowledge of wrongdoing in his jurisdiction, yet fails to take corrective action of the agent, then that public official aids and abets the unlawful action of the agent, thereby maintaining the errant status quo, and thus becomes complicit and liable. As you may know, in some cases, it is the agent who can be held responsible and liable for misconduct, illegal activity, or violations of business standards such as you have committed. Additionally, both principal and agent can be held liable.

Some of the things to which you admit include, but are not limited to, the following:

- 1) On February 4, 2020 during the Board of Supervisors meeting, I publicly apprised you and the other Supervisors that Commissioner Kris Payne repeatedly violated the Brown Act and deprived me of First Amendment rights during the 12/19/19 and the 2/3/20 Parks and Recreation Commission meetings. At that time, I rightfully demanded your public response to my petition to have Payne removed from the Parks and Recreation Commission for violating his Principal Agent Oath of Office through his numerous unconstitutional, unlawful actions committed against me. Instead of responding publicly as required under the Brown Act, you agreed to meet with me privately on February 6<sup>th</sup> to discuss the matter. Such tactical manipulations to willfully avoid and unlawfully evade public transparency and accountability demonstrate your hypocrisy and flagrant violations of the Brown Act, as well as your oaths of office. The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**, which, the oath taker, pursuant to his oath, is mandated to uphold. If he fails this requirement, as you have, then he has violated two provisions of the First Amendment, the Public Trust and perjured his oath, as you have. By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. By your own actions, pursuant to your oath, you have violated these First Amendment guarantees.
- 2) On February 6, 2020, we met to discuss the removal of Kris Payne as your representative to the Parks and Recreation Commission. I personally audio recorded our meeting. One of the first things you said to me during our audio recorded meeting was that you shared my Christian values, therefore you urged me to remove the "log" in my own eye and "forgive" Mr. Payne for his transgressions. Not only was your tactic inappropriate and against all public policy, it was ethically and morally reprehensible, as well as totally hypocritical. Any public officer, such as you, who upholds and sanctions unconstitutional actions committed by his underling, and who attempts to exonerate and hold the underling harmless, is complicit in them, aids and abets them, commits misprision of the crimes, is directly responsible for them and can be held liable for them. During our meeting, you were also specifically apprised of the assaults, armed intrusions, hacking, hate crimes, retaliatory actions, and falsification of

unconstitutional issues. Any enterprise, undertaken by any public official, such as you, who tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy and violates the Public Trust. Fraud, which you have constantly committed in this instant matter, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. Our February 6<sup>th</sup> meeting resulted in your maintenance of the status quo position of non-action, so to me, you and the rest of the Board of Supervisors are frauds, and useless in opposing and correcting unconstitutional actions and due process violations, yet very helpful in aiding and abetting unconstitutional actions committed by Mr. Payne and his Parks and Recreation cohorts, particularly as they pertain to the River Management Plan. As such, your actions, and/or failure to take action, have deprived me of numerous constitutionally secured rights, including, but not limited to, my due process rights secured by the First Amendment.

The email I received from you on 3/2/20 at 3:35 PM, regarding the removal of Commissioner Payne, appeared to be composed for you by county counsel and was lacking your customary signature and title that was expected, as we discussed during our audio recorded February 6<sup>th</sup> meeting. As I warned before, Mr. Payne remains out of control and needs to be removed from office for the numerous unconstitutional, unlawful actions he has committed as stated to him, you and others. Furthermore, I believe that you were not being truthful when you stated, *"In an effort to ascertain the appropriateness of the facilitation, I attended the 2/20 P&R meeting and found it to be facilitated appropriately."* Given the way Kris Payne conducted that P & R meeting, then, if you had actually attended it, you would have, or should have, realized that Payne again violated the Brown Act. My audio recording and correspondence with Parks and Recreation staff corroborates that your statement was another one of your deceptive fabrications, demonstrates that the minutes were deliberately falsified and further demonstrates that you publicly and privately lied to me concerning your lawful obligation to remove Kris Payne from the Parks and Recreation Commission for blatantly violating his Principal Agent Oath of Office. In so doing you again violated the public trust, falsely discredited my factual testimony, and harmed me by depriving me of my First Amendment due process rights for redress of grievances.

- 6) Kris Payne is not a volunteer. He is **your District #3 appointee** to the Parks and Recreation Commission approved with the consent of the entire Board of Supervisors, and as such, he is bound by his Principal Agent Oath of Office. By failing to take any remedial action, you have aided and abetted Mr. Payne's unlawful actions and egregiously deprived me of inherent rights secured in the First Amendment. Additionally, you failed to respond to or rebut the averments in my email response which makes you complicit and liable for aiding and abetting government corruption. Depriving the public of honest services is a federal

crime. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. All public officers, including you, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. (See *U.S. v. Tweel*, above.)

Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. Again, fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7<sup>th</sup> Cir 1985) *includes the deliberate concealment of material information in a setting of fiduciary obligation*. See also USC Title 18, § 2071 – *Concealment, removal, or mutilation generally*. All of these pertain to you. Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters, emails, or meeting requests, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions. When public officers, such as you, harm the Citizens by their errant actions, as you have done, and then refuse to respond to or rebut petitions from Citizens, as you have also done, then, those public officers are **domestic enemies**, acting in sedition and insurrection to the declared Law of the land and **must be opposed, exposed and lawfully removed from office**. Again, see Sections 3 & 4 of the 14<sup>th</sup> Amendment.

By your stepping outside of the limited scope of your delegated duties and authority you lost any “perceived immunity” of your office and you can be sued for your wrongdoing against me, personally, privately, individually and in your professional capacity, as can all those in your jurisdiction, including your supervisors and anyone having oversight responsibility for you, including any judges or prosecuting attorneys and public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties. See *Gallegos v. Haggerty, N.D. of New York*, 689 F. Supp. 93 (1988), which held:

*"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation."*

Your actions, those of Kris Payne and others who now hold or once held offices in El Dorado County, and who denied and violated my inherent rights, constitutes treason by the entire jurisdiction against me, and based upon the actions they have taken against me and what exists on the public record, it is impossible for any public officer to defend himself against treason committed. See: 18 USC § 241 - *Conspiracy against rights* and 18 USC § 242 – *Deprivation of Rights Under Color*

of Law. See also: *U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239*. By your own actions, pursuant to your oath, you have violated the mandates and guarantees set forth in the Constitution, including, but not limited to, my First Amendment guarantees, by flagrantly denying and depriving me of my inherent rights guaranteed therein.

Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers and their agents, including you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon those executing the duties of any public office, at any level, without exception, as they are upon you.

Lawful notification has been provided to you stating that if you do not truthfully and factually rebut the statements, charges and averments made in this Affidavit/Declaration, then, you agree with and admit to them.

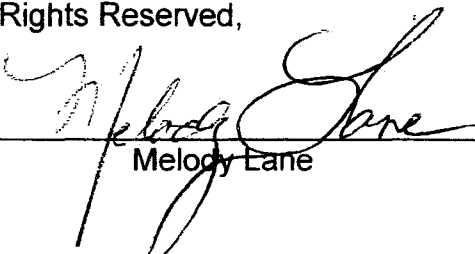
Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut that with which you disagree, with particularity, within thirty (30) days of receipt thereof, by means of your own written, sworn, notarized affidavit of truth, based on specific, relevant fact and valid law to support your disagreement, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the laws of the United States of America and this state of California. An un-rebutted affidavit stands as truth and fact before any court.

Your failure to respond, as stipulated, is your agreement with and irrevocable admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, fully binding upon you, District #3 Supervisor Brian Veerkamp, in any court of law in America, without your protest, objection and that of those who represent you.

Further Affiant sayeth naught.

All Rights Reserved,

By: \_\_\_\_\_



Melody Lane

Date: \_\_\_\_\_

6/29/20

Melody Lane  
Compass2Truth  
C/o P.O. Box 598  
Coloma, California [95613]

**(See attached California Notarization)**

**Attachments:**

**Exhibit A – May 16, 2020 letter to Supervisor Brian Veerkamp**

**CC: District #1 Supervisor John Hidahl  
District #2 Supervisor Shiva Frentzen  
District #4 Supervisor Lori Parlin  
District #5 Supervisor Sue Novasel  
CAO Don Ashton  
D.A. Vern Pierson  
Parks and Recreation Commissioners  
Planning Commissioners  
CA State Parks Director Lisa Mangat  
Media and other interested parties**



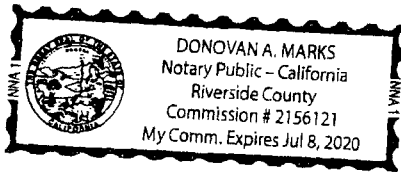
# JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of EL JORADO

Subscribed and sworn to (or affirmed) before me on this 29<sup>th</sup>  
day of JUNE, 2020, by MELODY LANE

proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature Donovan Marks

*Melody Lane  
Compass2Truth  
P.O. Box 598  
Coloma, CA 95613*

May 16, 2020

Supervisor Brian Veerkamp, Dist. #3  
El Dorado County Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

Supervisor Veerkamp,

This letter is lawful notification to you, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1. This letter requires your written rebuttal to me, specific to each claim, statement and averment made herein, within 30 days of the date of this letter, using fact, valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond within 30 days as stipulated, and rebut with particularity everything in this letter with which you disagree is your lawful, legal and binding agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection or that of those who represent you. Your silence is your acquiescence. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

What I say in this letter is based in the supreme, superseding authority of the Constitution for the United States of America, circa 1787, as amended in 1791, with the Bill of Rights, and the California Constitution, to which all public officers have sworn or affirmed oaths, under which they are bound by Law. It is impossible for an oath taker to lawfully defy and oppose the authority of the documents to which he or she swore or affirmed his or her oath. When I use the term "public officer(s)", this term includes you.

Since America and California are both Constitutional Republics, not democracies, they are required to operate under the Rule of Law, and not the rule of man. The Supreme Law and superseding authority in this nation is the national Constitution, as declared in Article VI of that document. In Article IV, Section 4 of that

Constitution, every state is guaranteed a republican form of government. Any "laws", rules, regulations, codes and policies which conflict with, contradict, oppose and violate the national and state Constitutions are null and void, *ab initio*. It is a fact that your oath requires you to support the national and state Constitutions and the rights of the people secured therein.

It is the duty of every Citizen to demand that government employees, such as you, 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. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

Whenever constitutional violations are committed by public officers, there are constitutional remedies available to the people. Such remedies make those who violate their oaths, such as you, accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by their oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute fraud. Fraud vitiates any action.

When you and other public officers violate the Constitutions, at will, as an apparent custom, practice and policy of office, you and they subvert the authority, mandates and protection of the Constitutions, thereby act as domestic enemies to these Republics and their people. When large numbers of public officers so act, this reduces America, California and the County of El Dorado to the status of frauds operating for the benefit of governments and their corporate allies, and not for the people they theoretically serve.

No public officer, including you, has the constitutional authority to oppose, deny, defy, violate and disparage the very documents to which he or she swore or affirmed his or her oath. All actions by public officers, including you, conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. You have continuously violated the national and state Constitutions, your oaths, my inherent rights and due process guaranteed in the Constitutions, and the Brown Act, as stated below and throughout this letter to you. Your unconstitutional, unlawful actions have grievously harmed me.

#### **CLAIMS AND AVERMENTS:**

- 1) On February 4, 2020 during the Board of Supervisors meeting, I publicly apprised you and the other Supervisors that Commissioner Kris Payne repeatedly violated the Brown Act and deprived me of First Amendment rights during the 12/19/19 and the 2/3/20 Parks and Recreation Commission meetings. **See Exhibit A, attached hereto and incorporated herein as if fully set forth in this letter.**

At that time, I rightfully demanded your public response to my petition to have Payne removed from the Parks and Recreation Commission for violating his Principal Agent Oath of Office through his numerous unconstitutional, unlawful actions committed against me. Instead of responding publicly as required under the Brown Act, you agreed to meet with me privately on February 6<sup>th</sup> to discuss the matter. Such tactical manipulations to willfully avoid and unlawfully evade public transparency and accountability demonstrate your hypocrisy and flagrant violations of the Brown Act, as well as your oaths of office.

An American Citizen, such as I, can expect, and has the Right and duty to demand, that government officers uphold their oaths to the Constitution(s) and abide by all constitutionally imposed mandates of their oaths. This is an unenumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters, emails or public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions.

The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**, which, the oath taker, pursuant to his oath, is mandated to uphold. If he fails this requirement, as you have, then he has violated two provisions of the First Amendment, the Public Trust and perjured his oath, as you have. By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. By your own actions, pursuant to your oath, you have violated these First Amendment guarantees.

- 2) On February 6, 2020, we met to discuss the removal of Kris Payne as your representative to the Parks and Recreation Commission, and the agenda for our brief meeting is attached herewith and incorporated herein, as if fully set forth in this letter, as **Exhibit B**.

One of the first things you said to me during our audio recorded meeting was that you shared my Christian values, therefore you urged me to remove the "log" in my own eye and "forgive" Mr. Payne for his transgressions. You should have learned through the mandatory Ethics Training required for all elected officials under AB1234, that not only was your tactic inappropriate and against all public policy, it was ethically and morally reprehensible, as well as totally hypocritical. Any public officer, such as you, who upholds and sanctions unconstitutional actions committed by his underling, and who attempts to exonerate and hold the underling harmless, is complicit in them, aids and abets them, commits misprision of the crimes, is directly responsible for them and can be held liable for them.

During our meeting, you were also specifically apprised of the assaults, armed intrusions, hacking, hate crimes, retaliatory actions, and falsification of records committed against me by the River Mafia Mob who work closely in conjunction with Mr. Payne and other Parks and Recreation staff. I refreshed your memory about several unlawful and unethical practices of Commissioner Payne, yet you failed to take any corrective measures, and in so doing you have aided and abetted the perpetuation of government fraud. Before our meeting adjourned, you verbally affirmed that you would respond *in writing* prior to March 11<sup>th</sup>—*or sooner*—providing me with the expected target date of Kris Payne's removal from the Parks and Recreation Commission.

Afterwards, I sent you an email encouraging you to listen to the full length of both the December and February audios to hear for yourself how Mr. Payne blatantly violated his Principal Agent Oath of Office, but you did not respond. I also sent you an email on February 19<sup>th</sup> about the upcoming 2/20/20 Parks and Recreation Commission meeting involving the River Management Plan, but you also failed to reply to that email, thus you again deprived me of First Amendment rights for redress of grievances, lied, were derelict in your duties and committed malfeasance of office, all of which invoked the self-executing Sections 3 & 4 of the 14<sup>th</sup> Amendment.

- 3) Anticipating interference by county counsel, during the February 25<sup>th</sup> Open Forum, I again brought to your attention additional remarks made by Commissioner Kris Payne during the February 20<sup>th</sup> Parks and Recreation Commission meeting. Kris made the following statement in response to Vickie Sanders cue regarding the missing 2/3/20 audio:

*I'm going to speak to that in just a sec. Ok. So now we're dealing just with the adoption of the agenda...(Approval of the agenda)...Uh, show at least for this, uh, that Julia, uh, hasn't joined us yet. Oh here she comes!...Now we're going to do the approval of the Consent calendar. Uh, so the Consent calendar for this meeting is one item. It's item number one, it's the minutes from our February 3<sup>rd</sup>, 2020, um, meeting, and I note that it includes a sentence, two sentences, and these words I'm going to read for the record: An audio recording of that meeting will not be published to the website due to technical difficulty. The audio recording is not recoverable or audible and therefore will not be posted. That's my statement.*

When I questioned you during the aforementioned BOS meeting, you publicly affirmed your obligation to respond to me in writing with the effective date of Mr. Payne's removal from the Parks and Recreation Commission. Since it was evident that Mr. Payne's statement concerning the missing incriminating 2/3/20 audio was prepared for him by county counsel, accordingly you publicly affirmed that you understood that Mr. Payne's removal from the Commission would take place *without any interference or bureaucratic shenanigans from county counsel*. My transcript was entered into the public record and is attached herewith and incorporated herein as if fully set forth in this letter, as **Exhibit C**. Once again,

you lied, misrepresented, were derelict in your duties, committed malfeasance of office and again invoked Sections 3 & 4 of the 14<sup>th</sup> Amendment.

- 4) In other email correspondence apprising you of the illicit conduct of District #3 Commissioner Kris Payne, you failed to reply, or took no action whatsoever to either stop or correct his continued violations of the Brown Act, my rights secured in the Constitutions, due process of law and Principal Agent Oaths of Office. A few email examples were dated December 27, 2019 at 4:50 PM; December 30, 2019 at 1:06 PM; January 2, 2020 at 8:54 PM; February 6, 2020 at 7:02 PM, and on February 19, 2020 at 4:32 PM. In so doing, you aided and abetted Mr. Payne's unlawful actions and are therefore complicit and liable. This is a fact, and as John Adams said, "Facts are stubborn things."

When you and other public officers violate the Constitutions at will, as an apparent custom, practice and policy of office, you and they subvert the authority, mandates and protection of the Constitutions, thereby act as domestic enemies to these Republics and their people. When large numbers of public officers so act, this reduces America, California, and the County of El Dorado to the status of frauds operating for the benefit of criminal, sinister, nefarious governments and their corporate allies, and not for the people they theoretically serve:

*"The Oath of Office is a quid pro quo contract in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, conspiracy under Title 28 U.S.C., Title 18 Sections 241 and 242, treason under the Constitution at Article 3, Section 3., and intrinsic fraud..."*

As chairman of the BOS, you have demonstrated your unwillingness to stop the perpetual violations of constitutional mandates, my secured inherent rights and due process committed by Commissioner Payne. Your knowledge of his wrongdoing and your failure to take remedial action violates numerous constitutionally secured rights and due process, including, but not limited to, my First Amendment right to petition government for redress of grievances.

- 5) You, and the other Supervisors, have received copies of notifications of legal responsibility that were addressed to Kris Payne, Vickie Sanders, Don Ashton, and Gary Miller relevant to their participation in government fraud, violations of the Brown Act, and their Oaths of Office. Any enterprise, undertaken by any public official, such as you, who tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy and violates the Public Trust. Fraud, which you have constantly committed in this instant matter, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths.

Our February 6<sup>th</sup> meeting resulted in your maintenance of the status quo position of non-action, so to me, you and the rest of the Board of Supervisors are frauds, totally worthless and useless in opposing and correcting unconstitutional actions and due process violations, yet very helpful in aiding and abetting unconstitutional actions committed by Mr. Payne and his Parks and Recreation cohorts, particularly as they pertain to the River Management Plan. As such, your actions, and/or failure to take action, have deprived me of numerous constitutionally secured rights, including, but not limited to, my due process rights secured by the First Amendment. Actions speak much louder than words, and by your actions and those of other Supervisors, pursuant to oaths taken, your combined actions have clearly established El Dorado County as a complete fraud which acts as a domestic enemy to the people it purportedly serves. You are all criminals in office and have all invoked the self-executing Sections 3 & 4 of the 14<sup>th</sup> Amendment.

- 6) The email I received from you on 3/2/20 at 3:35 PM, regarding the removal of Commissioner Payne, appeared to be composed for you by county counsel and was lacking your customary signature and title that was expected, as we discussed during our audio recorded February 6<sup>th</sup> meeting. It is attached herewith and incorporated herein as if fully set forth in this letter, as **Exhibit D**.

The timing of your reply also raised red flags since it was sent during the 3/2/20 "Special" Parks and Recreation Commission meeting made necessary due to Kris Payne being long-winded and causing the meeting, held just ten days earlier, to go overtime by nearly an hour. As I warned before, Mr. Payne remains out of control and needs to be removed from office for the numerous unconstitutional, unlawful actions he has committed as stated to him, you and others.

Furthermore, I believe that you were not being truthful when you stated, *"In an effort to ascertain the appropriateness of the facilitation, I attended the 2/20 P&R meeting and found it to be facilitated appropriately."* Brian, had you actually been there, then, it would have been perfectly evident that Chairman Kris Payne violated the Brown Act and that the minutes were deliberately **falsified**.

You publicly and privately lied to me concerning your lawful obligation to remove Kris Payne from the Parks and Recreation Commission for blatantly violating his Principal Agent Oath of Office. My audio recording and correspondence with Parks and Recreation staff corroborates that the following statement was another one of your deceptive fabrications: *"As you learned from the audio of the 2/20 P&R meeting, unfortunately, the recording of the previous meeting on 2/3 of the Parks & Recreation Commission did not work and only static can be heard."* In so doing you violated the public trust, discredited my factual testimony, and harmed me by depriving me of First Amendment due process rights for redress of grievances.

Your ending statement was the coup de grace signifying fraud and defiance to your Constitutional oaths, "*While **we** regret the disruption to the meeting of 2/3, **we** have a strong appreciation for the commitment and passion Kris brings to his volunteer service and **we** will not remove him as the District 3 representative to the Parks and Recreation Commission. Thank you for bringing your concerns to **our** attention, it has been a good learning opportunity for Kris.*" When you use the word "we", you imply collusion with all the Supervisors and other staff in a totalitarian decision to collectively defy your oaths and deny my God-given rights secured by the First Amendment. Not only were your remarks insulting, my audios of the December 19th and February 3<sup>rd</sup> meetings were perfectly audible, and proved beyond a shadow of a doubt your complicity in conspiring with county staff to maintain the corrupt status quo.

You also fail to grasp the fact that ***Kris Payne is not a volunteer.*** He is ***your District #3 appointee*** to the Parks and Recreation Commission approved with the consent of the entire Board of Supervisors, and as such, he is bound by his Principal Agent Oath of Office. By failing to take remedial action, you have aided and abetted Mr. Payne's unlawful actions and egregiously deprived me of inherent rights secured by the First Amendment.

Additionally, you failed to respond to or rebut the averments in my email response which makes you complicit and liable for aiding and abetting government corruption. All of this constitutes further perjury of your oath and is actionable under Sections 3 & 4 of the 14<sup>th</sup> Amendment.

Depriving the public of honest services is a federal crime. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. All public officers, including you, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. (See U.S. v. Tweel above)

Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. Again, fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7<sup>th</sup> Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally. All of these pertain to you.

All actions by public officers conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters, emails, or meeting requests, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents



or by Citizens injured by their actions. When public officers, such as you, harm the Citizens by their errant actions, as you have done, and then refuse to respond to or rebut petitions from Citizens, as you have also done, then, those public officers, as are you, are domestic enemies, acting in sedition and insurrection to the declared Law of the land and **must be opposed, exposed and lawfully removed from office**. Again, see Sections 3 & 4 of the 14<sup>th</sup> Amendment.

- 7) As stated previously, actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By your stepping outside of the limited scope of your delegated duties and authority you lost any "perceived immunity" of your office and you can be sued for your wrongdoing against me, personally, privately, individually and in your professional capacity, as can all those in your jurisdiction, including your supervisors and anyone having oversight responsibility for you, including any judges or prosecuting attorneys and public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties, thereto:

*"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation." (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988)).*

If those superiors referenced above fail to act and correct the matter, then, they condone, aid and abet your criminal actions, and further, collude and conspire to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of their office and the jurisdiction for which they work. This constitutes treason by the entire jurisdiction against me, and based upon the actions taken and what exists on the public record, it is impossible for any public officer to defend himself against treason committed. See: 18 USC § 241 - Conspiracy against rights and 18 USC § 242 – Deprivation of Rights Under Color of Law. See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.

By your own actions, pursuant to your oath, you have violated these First Amendment guarantees. An American Citizen, such as I, can expect, and has the Right and duty to demand, that his government officers uphold their oaths to the Constitution(s) and abide by all constitutionally imposed mandates of their oaths.

It is your choice to either uphold your oath and the rights and best interests of the people, or violate your oath and your duties to the people. Anytime you perjure your oath, defy the authority of the Constitutions and step outside of the lawful scope of your duties and authority, you are personally liable. In fact, the national Constitution provides remedy for the people when public officers, such as you, perjure their oaths, which remedy, in part, can be found at the referenced Sections 3 and 4 of the 14<sup>th</sup> Amendment. Whenever public officers, such as you, pursuant to their oaths, violate Rights guaranteed to Citizens in the Constitutions, they act outside their limited delegated authority, thus, perjure their oaths, and by their own actions, invoke the self-executing Sections 3 and 4 of the 14<sup>th</sup> Amendment; thereby vacate their offices and forfeit all benefits thereof, including salaries and pensions, as you did, which is now a matter of public record.

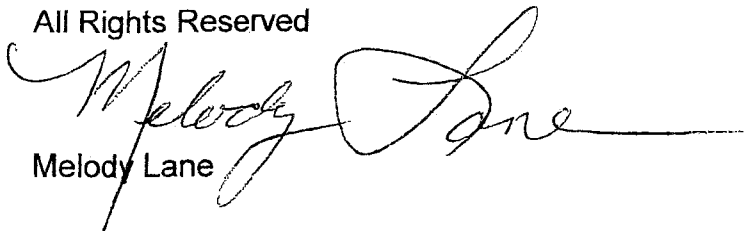
Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon public officers, without exception, as they are upon you.

If you disagree with anything in this letter, then rebut that with which you disagree, *in writing, with particularity*, to me within thirty (30) days of the date of this letter, and support your disagreement with valid evidence, fact and law.

Your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable agreement attesting to this, fully binding upon you, in any court in America, without your protest or objection and that of those who represent you.

Sincerely,

All Rights Reserved

A handwritten signature in cursive script that reads "Melody Lane". The signature is written in black ink and is positioned to the right of the typed name "Melody Lane".

Melody Lane

Attachments:

Exhibit A – 2/4/20 BOS Open Forum transcript

Exhibit B - 2/6/20 meeting agenda

Exhibit C - 2/25/20 BOS Open Forum transcript

Exhibit D – 3/2/20 email prepared by County Counsel w/o Veerkamp signature

CC: Supervisor John Hidahl  
Supervisor Sue Novasel  
Supervisor Shiva Frentzen  
Supervisor Lori Parlin

My purpose today is to address the atrocious discrimination, disrespect, and illicit conduct of District 3 Parks and Recreation Commissioner Kris Payne last night, as well as during the December 19<sup>th</sup> Parks & Rec Commission meeting when county counsel provided Brown Act training. Not only did Kris blatantly violate the Brown Act and my First Amendment rights, he used and abused his position as chairman to repeatedly interrupt, heckle, and harass me throughout the meeting. He has demonstrated the same flagrant conduct even during Taxpayer Association meetings.

During the first agenda item five words hadn't escaped my lips before Kris interrupted. FIVE WORDS!! He continued to interrupt and unnecessarily question me about a document that he had right in front of him. When I read the section of the Brown Act about the requirement to respond to statements or questions posed by persons exercising their public rights, Kris refused to lawfully respond to my 3 specific questions. Note U.S. v. Tweel - "*Silence can only be equated with **fraud** where there is a **legal or moral duty to speak** or where an **inquiry left unanswered would be intentionally misleading.**"*

During the second agenda item I wasn't able to finish my *first sentence* when Kris cut me off again by persisting in controlling how I framed my prepared written remarks. Despite my objections, he proceeded to talk over me the entire time, called a bathroom break, and left the room. That was the cue for the other commissioners to launch a verbal attack while I stood my legal ground.

After Kris returned to the room he again refused to recognize me or address my inquiries as required by law. Vickie Sanders and Creighton Avilla sat mutely while Kris violated my rights and conducted the meeting like a Nazi Gulag. The only other person in the audience was a member of the River Mafia Mob—Nate Rangel—who appeared very amused by the spectacle.

It is obvious that the CAO and Parks and Rec have something to hide, and are incapable of dealing openly, honestly, or in congruence with the EDC Core Values of **accountability, integrity, collaboration, and service excellence**. Creighton left the room at 5 PM, but by 5:40 the commissioners still hadn't finished item #4 primarily due to Kris being self-absorbed with his own agenda.

Before adjourning Dist. #5 Commissioner Wayne Lowery publicly acknowledged that Kris had disrespected me and the rights of the public, but you can bet the minutes will obfuscate what really transpired in the meeting that went overtime by nearly an hour. Kris tried to defend himself, but it was obvious that ALL the commissioners realized they had crossed far over the line by operating outside of the law.

Kris Payne is on power trip and totally out of control. Audio recordings, witnesses, and factual evidence validate all my claims and averments. Does any of this sound

familiar? It should, because that's the modus operandi of the River Mafia Mob and certain members of the BOS, county counsel, and even the CAO who have aided and abetted the same unethical, fraudulent, and unlawful behavior for decades.

Kris Payne is NOT a volunteer—he is an appointee of the BOS and is bound by his Principle Agent Oath of Office. His unlawful conduct represents a problem as well as a liability to the county. When this Board has knowledge of wrong doing, but fails to take corrective action, then you become complicit and liable. Maintaining the status quo is not an option. The only solution is that Kris Payne needs to be removed from the Parks & Rec Commission in order to send a strong message that such conduct will not be tolerated.

Pursuant to the Brown Act I assert my rights to receive a public answer while I'm at a podium as to how and when the Board intends to deal with Mr. Payne's unlawful conduct.

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

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

**February 6, 2020**  
**Meeting with Brian Veerkamp 4 PM**  
**RE: Parks & Rec Commissioner Kris Payne**

- I. Violations:
  - A. Brown Act
  - B. Principle Agent Oaths of Office
  
- II. PRC/RMAC/CLAC:
  - A. River Mafia Politics
  - B. Bully Tactics & Retaliation
  
- III. Accountability & Remedial Action
  
- IV. Follow up – Target Date:

*EXHIBIT B*

Brian, I wish to bring to your attention that the incriminating audio of the 2/3/20 Parks & Rec Commission meeting *still has not yet been posted* to the government calendar. It will be necessary for you to listen to both the December 19th and February 3<sup>rd</sup> PRC audios in order to validate my claims and averments against Kris Payne violating the Brown Act and my First Amendment rights. It appears County Counsel has something to hide...

You should also be aware the 1/16/20 PRC was suddenly cancelled on 1/15/20 due to alleged "equipment failure." However when I asked Vickie Sanders why the meeting wasn't just moved across the street as they had done in the past, she claimed "*That wasn't how County Counsel wanted to handle it.*" A primary item on the January 16<sup>th</sup> PRC agenda addressed the issues of Conflict of Interest brought up by other concerned citizens. ***That entire agenda has since disappeared and was replaced with a cancellation notice.*** It's the same situation with the disappearing BOS video and altered minutes concerning Agenda 21 brought up during the December PRC meeting.

We have reason to believe the real reason the January 16<sup>th</sup> PRC meeting was suddenly cancelled was due to the issues brought up during the December meeting, as well as Kris Payne's discrimination, bully tactics, and participation in serial meetings which the Brown Act strictly prohibits, particularly as it affects the River Management Plan.

It is a fact that Lori Parlin has aligned herself with Kris Payne, the River Mafia Mob, and American River Conservancy who have black-listed and disenfranchised river residents. It is also apparent that the CAO and all Parks & Rec Commissioners have NOT been operating transparently or in accordance with EDC core values, meanwhile catering to special interest groups, violating the Brown Act and their oaths of office. "*Oh, what a tangled web they weave, when first they practice to deceive!*"

Any act by any public official either supports and defends the Constitution, or opposes and violates it. Your representative to the Parks & Rec Commission, Kris Payne, represents a liability to the county and needs to be removed without further delay. As a reminder, you agreed to respond in writing regarding the effective date of his removal prior to the target date we discussed in your office on February 6th. Please, no interference by county counsel. \*Is that understood by you?

Madam Clerk: Please enter this document into the public record.

**\*Veerkamp audibly confirmed that he understood that county counsel was NOT to interfere with his requirement to respond in writing designating the date of Kris Payne's removal from the Parks & Rec Commission.**

EXHIBIT C

**From:** Melody Lane [mailto:melody.lane@reagan.com]  
**Sent:** Monday, March 2, 2020 5:21 PM  
**To:** 'The BOSTHREE'; brian.veerkamp@edcgov.us  
**Cc:** 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bostwo@edcgov.us  
**Subject:** RE: Meeting today re: PRC Kris Payne  
**Importance:** High

Brian,

First of all, when I requested something in writing from you about Kris Payne's date of removal from the Parks & Rec Commission, I expected your *signature affixed to a brief letter with the date of Kris' removal on EDC stationery, and sent USPS mail*. You are a bright man, so you should have understood that from the get-go as you publicly affirmed during the BOS meeting on 2/25/20.

Secondly, I do not believe you attended the 2/20/20 PRC meeting. Because if you did, then you would have obviously witnessed that Kris Payne did NOT follow the Brown Act, particularly when he read "his statement" about the missing 2/3/20 audio that was obviously prepared *in advance for him by county counsel*. Kris failed to abide by the Brown Act, let Nate Rangel and other members of the public talk without limitation, and rambled on so long on Items #3 and #4, that Items #5 and #6 had to be skipped and deferred to a "Special" meeting scheduled for *today*, March 2<sup>nd</sup>. Additionally, Nate Rangel did NOT make any public comments during Items #5 and #6 as fraudulently reflected in the minutes *because those items weren't even discussed or open to public comment!!*

I just returned home at 3:40 PM today from the PRC meeting being currently held in the BOS chambers at this moment. I was the only person besides Vickie Sanders and four commissioners in the room (Lowery was absent). Read the attached document that I entered into the public record today during Consent Item #1 concerning the fraudulent 2/20/20 PRC minutes that did NOT include Kris' prepared statement about the missing 2/3/20 PRC audio. Despite all the glaring inaccuracies in the minutes, the Commissioners unanimously approved the 2/20/20 minutes without even reading them or taking into account my corrections.

Brian, I don't buy your story for a moment that audio was just inaudible "static." That's not what Vickie conveyed to me in an email via Chelsea on 2/5/20. Even during the 3 PM meeting today Kris deviated from the Brown Act and kept referring to Vickie Sanders for advice on how to proceed when I held his feet to the fire. The pregnant pauses in the audio spoke volumes, because Vickie Sanders the Commissioners knew what they were doing was outside of the law.

There is nothing I abhor more than being lied to, especially from any government official who unethically resorts to Bureaucratic Shenanigans (BS) and stall tactics. To reiterate, Kris is NOT a "volunteer"; he is your appointee to the BOS and is bound by his Principle Agent Oath of Office. I stand firm on my position demanding Kris be removed from the PRC. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime. Burn me once, shame on you. Burn me twice, shame on me. No third chances for the public to get burned again by Kris Payne.

Brian, it is painfully obvious that county counsel prepared your remarks below. It doesn't even include your electronic signature. *I still expect a letter sent USPS under your signature before March 11th, as you agreed and pursuant to your oaths of office, with the date of Kris' removal from the PRC*. And while you are at it, please include an explanation why you pulled Charlie Callahan's recognition award agenda Item #31 from the 2/25/20 BOS meeting.

BTW, only Wayne Lowery has submitted his Bio/Disclosure form. Vickie requested today the forms from the other Commissioners discussed during Open Forum today.

EXHIBIT D

Regards,

*Melody Lane*

**Founder – Compass2Truth**

**Ephesians 5:11 – “Take no part in the worthless deeds of evil and darkness; instead expose them.”**

**From:** The BOSTHREE [mailto:bosthree@edcgov.us]

**Sent:** Monday, March 2, 2020 3:35 PM

**To:** Melody Lane

**Subject:** Re: Meeting today re: PRC Kris Payne

Hello Melody,

As you learned from the audio of the 2/20 P&R meeting, unfortunately, the recording of the previous meeting on 2/3 of the Parks & Recreation Commission did not work and only static can be heard. I have already spoken with our CAO about securing a back up system so this does not happen again. I also followed up with our Clerk of the Board, she is already working on it and we apologize for the system breakdown.

In an effort to ascertain the appropriateness of the facilitation, I attended the 2/20 P&R meeting and found it to be facilitated appropriately.

Kris has acknowledged that he could have handled himself better and regretted his part in the disruption of the previous meeting. We also understand a new Chair of Parks and Recreation will be selected during the March 19th meeting. While we regret the disruption to the meeting of 2/3, we have a strong appreciation for the commitment and passion Kris brings to his volunteer service and we will not remove him as the District 3 representative to the Parks and Recreation Commission. Thank you for bringing your concerns to our attention, it has been a good learning opportunity for Kris.

Regards,

Brian Veerkamp

On Thu, Feb 6, 2020 at 7:02 PM Melody Lane <[meiodv.lane@reagan.com](mailto:meiodv.lane@reagan.com)> wrote:

Hi Brian,

Thanks for briefly meeting today regarding the unlawful conduct of Parks & Recreation Commissioner Kris Payne. This email will confirm our conversation about your commitment to respond to me, in writing, no later than March 11<sup>th</sup> about removing Kris from the P&R Commission for violating his Principle Agent Oath of Office.

Although you said you'd listen to the audio, it is highly doubtful you will have the time or patience to listen to the three-hour PRC meeting held 2/3/20, or the 12/19/20 meeting when county counsel Janeth SanPedro made a presentation about the Brown Act. It is important to recognize that Creighton and county counsel were not present for the entirety of either meeting to witness how Kris demonstrated disrespect for women and his contempt for the rights of the public.

Remember Mark Smith who used to attend BOS meetings? Mark was a Marine, just like Leonard Stroud, and one thing a Marine can't tolerate is when a man is disrespectful to a woman. Ask Lori Parlin about the time Mark Smith came unglued after a BOS meeting when Kris Payne was publicly very disrespectful to me. Lori and Mark had to take Kris outside and have a very serious talk with him. Afterwards Kris apologized to me for his behavior, but like I said today, he's right back at it worse than ever...



I wish to reiterate that merely replacing Kris as PRC chairman will NOT remedy a problem that is endemic to the Parks & Rec Commission, RMAC, CLAC, and even the Planning Commission. As we discussed, I have God-given strength to stand my ground, but consequently that means I've been targeted for retaliation, threats, and assaults by bullies like Kris Payne, the River Mafia Mob, Al Hamilton, Bill George, and other GOBs who think they can get away with it. I am not the only person who has documented similar concerns and entered them into the public record. However I have certainly been the most persistent by insisting that something be done about their unlawful behavior before it ends up in costly litigation, or worse yet, before someone's "body is discovered stuffed down a mine shaft."

FYI, the attached Bio Form was distributed to the Parks & Rec Commissioners at the 2/3/20 meeting to fill out in order to publish their bios on the EDC website by the next PRC meeting. *This is no time to maintain the status quo.* Pursuant to your oath of office, now would be the best opportunity to take remedial action and immediately removing Kris Payne from the Parks and Recreation Commission.

*Melody Lane*

**Founder – Compass2Truth**

All authority belongs to the people...in questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. ~ Thomas Jefferson ~

# CALIFORNIA BROWN ACT

## PREAMBLE:

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

## CHAPTER V.

### RIGHTS OF THE PUBLIC

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

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

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

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