

PC 4/13/17  
#1  
5 pages



(Distributed at hearing by staff)  
Planning Department <planning@edcgov.us>

**Please pull from 4/13/17 Planning Commission Consent Item #1 for public discussion**

1 message

Melody Lane <melody.lane@reagan.com>

Wed, Apr 12, 2017 at 3:34 PM

To: shiva.frentzen@edcgov.us, Michael Ranalli <michael.ranalli@edcgov.us>, James Williams <james.williams@edcgov.us>, gary.miller@edcgov.us

Cc: Donald Ashton <don.ashton@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>, brian.veerkamp@edcgov.us, sue.novasel@edcgov.us, john.hidahl@edcgov.us, Jim Mitrisin <jim.mitrisin@edcgov.us>, bosfive@edcgov.us, bosfour@edcgov.us, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Please ensure the following Item #1 is pulled from the 4/13/17 Planning Commission Consent Agenda for public discussion and appropriate action as required under the Brown Act, § 54954.2(a) and § 54954.3(c):

1. 17-0380 Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of March 23, 2017.

As per the attached letter, the public has been denied due process as required by law. This topic was addressed to the BOS & Planning Commission on 3/30/17, but in violation of your Constitutional Oath of Office, was again ignored and diverted during yesterday's 4/11/17 BOS meeting.

*Melody Lane*

Founder – Compass2Truth

**Any act by any public officer either supports and upholds the Constitution, or opposes and violates it.**

RMP Villa Florentina SUP 3-29-17.pdf  
1871K



# 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:

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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 15<sup>th</sup> 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

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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:

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Thank you,  
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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.

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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

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Attachments:

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

Melody Lane

(Handout from Melody Lane  
during hearing)

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**Cc:** 'Donald Ashton'; jeff.haberman@edcgov.us; jeff.hansen@edcgov.us;  
brian.shinault@edcgov.us; planning@edcgov.us; 'Roger Trout'; 'Roger Niello';  
brian.veerkamp@edcgov.us; sue.novasel@edcgov.us; john.hidahl@edcgov.us; Jim  
Mitrising; bosfive@edcgov.us; bosfour@edcgov.us; bosone@edcgov.us;  
bosthree@edcgov.us; bostwo@edcgov.us  
**Subject:** Please pull from 4/13/17 Planning Commission Consent Item #1 for public discussion  
**Attachments:** RMP Villa Florentina SUP 3-29-17.pdf  
**Importance:** High

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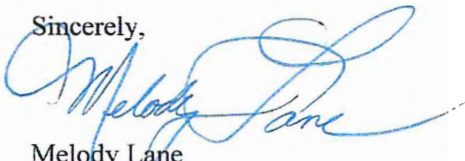
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#### PREAMBLE:

"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).)