



Noah Triplett <noah.triplett@edcgov.us>

Fwd: Please immediately post to 3/18/19 RMAC meeting agenda

1 message

BOS Four <bosfour@edcgov.us>

Fri, Mar 15, 2019 at 11:42 AM

To: Vickie Sanders <vickie.sanders@edcgov.us>, Noah Triplett <noah.triplett@edcgov.us>, Chelsea Doyle <chelsea.doyle@edcgov.us>

Cc: Melody Lane <melody.lane@reagan.com>

Forwarding per Melody Lane's request.

Shelley WileyAssistant to Supervisor Lori Parlin, District 4
Board of Supervisors, County of El Dorado
Phone: (530) 621-6513

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

From: **Melody Lane** <melody.lane@reagan.com>

Date: Fri, Mar 15, 2019 at 11:11 AM

Subject: Please immediately post to 3/18/19 RMAC meeting agenda

To: Vickie Sanders <vickie.sanders@edcgov.us>, <chelsea.doyle@edcgov.us>, <lori.parlin@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>, Jim Mitrisin <jim.mitrisin@edcgov.us>

Cc: <brian.veerkamp@edcgov.us>, <shiva.frentzen@edcgov.us>, <sue.novasel@edcgov.us>, <john.hidahl@edcgov.us>, <edc.cob@edcgov.us>, Noah Rucker-Triplett <noah.rucker-triplett@edcgov.us>, <barry.smith@parks.ca.gov>, Jason DeWall <jason.dewall@parks.ca.gov>, <bosfive@edcgov.us>, bosfour <bosfour@edcgov.us>, <bosone@edcgov.us>, <bosthree@edcgov.us>, <bostwo@edcgov.us>

Per the Brown Act requirements, please ensure the attached correspondence is posted TODAY to the 3/18/19 RMAC meeting agenda and distributed via the Govdelivery system.

*Melody Lane***Founder – Compass2Truth**

As history teaches us, if the people have little or no knowledge of the basics of government and their rights, those who wield governmental power inevitably wield it excessively. After all, a citizenry can only hold its government accountable if it knows when the government oversteps its bounds. ~ John Whitehead ~

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8779K

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

March 12, 2019

Vickie Sanders
EDC Parks & Recreation Manager
330 Fair Lane
Placerville, CA 95667

Ms. Sanders,

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 and/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 officials, such as you, 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.

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 and uphold the national and state Constitutions and the rights of the people secured therein and all aspects of constitutional due process.

My claims, statements and averments pertain to violations of your oaths, particularly as they pertain to your role as Parks and Recreation Manager in the River Management Plan and with other associated government agencies. When I use the term "public official(s)", this term includes you.

No public official, 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 officials conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them.

*"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, 242, **treason** under the Constitution at Article 3, Section 3, and intrinsic **fraud**..."*

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. Fraud, 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.

You have been regularly apprised that individuals under your supervision and control are routinely falsifying information relative to the River Management Plan. Evidence of Noah Rucker-Triplett's collusion with representatives of the River Management Advisory Committee (RMAC), American River Conservancy, Chamber of Commerce Political Action Committee, and State Parks personnel to manipulate public perceptions and obstruct residents' right to participate in public forums were specifically discussed with you during our 8/3/15 meeting, as well as on other audio-recorded occasions when I was accompanied by a retired member of law enforcement. **(See Exhibit A)**

The River Management Advisory Committee and Parks & Recreation Commissioners merely serve to organize faction, to give it an artificial and powerful force to put in place a small but enterprising minority of special interest rafting groups within the community. In reality, these individuals do NOT represent the greater majority of river residents. It is a fact they have proven to be extremely hostile and

overbearing, meanwhile routinely operating outside of the law with the full knowledge and blessing of your staff, the Planning Commissioners, and the Board of Supervisors. The public administration of their self-serving plan mirrors the ill-concerted and incongruous projects of Parks and Recreation, rather than a policy which supports and defends Constitutional principles for all El Dorado County residents. It is nothing short of demagoguery.

In a memo dated May 9, 2017 ACAO Laura Schwartz states, "...we recommend that this committee [RMAC] be dissolved and that the County encourage interested participants to form an ad-hoc committee...Over the past several months, the majority of RMAC members have stepped down from the Committee resulting in not enough members to reach quorum. Several meetings have been cancelled at the request of RMAC due to a lack of a quorum or no issues to discuss...The Chief Administrative Office recommends that the Board consider filling the vacancies noting that RMAC may be dissolved by the end of the year."

It is a fact that RMAC members have NOT stepped down; they've regularly continued to conduct serial meetings and for decades have falsified minutes that are routinely approved by Parks & Recreation staff. It is a fact that Lori Parlin and Sue Taylor have participated in many of those serial meetings. As you are aware, serial meetings are strictly prohibited by the Brown Act. We've also discussed Parks & Rec Commissioner Kris Payne's role in RMAC meetings in tandem with Lori Parlin and Sue Taylor, none of whom live anywhere near the S. Fork American River, yet they have actively participated in the RMAC Resolution being used as the format during the upcoming 3/18/19 RMAC meeting in Coloma. Your culpability is made evident by your knowledge of staff misconduct and deliberate failure to take remedial action.

For example, during the January 14, 2019 RMAC meeting Bill Crenshaw and Adam Anderson repeatedly interrupted, harassed, mocked and heckled me while I was specifically attempting to dialog with you. **Anderson has proven to be a liar and has admitted to "legal manipulations" in order to remain as the RMAC Business rep.** On several occasions during the two hour meeting Adam Anderson made a distracting spectacle of holding up his cell phone to video record me while I was at the podium presenting factual information about River Mafia Mob assaults, threats, harassment, slander, libel and collusion with county staff. As you'll recall, I testified that RMAC Resident Representative, Rob Smay, was present during the court trial involving the stalking and sexual assault by his best friend and neighbor, Bob Palacios, who has a history of violence. When Palacios was served with a TRO Palacios refused to relinquish his guns to law enforcement as required by law. This too was discussed with you and RMAC consultant Steve Petersen during one of our audio recorded meetings. **(See Exhibit B)**

As you are aware, Palacios was under investigation by EDSO along with Greg Jorgensen, Howard Penn, Mike Bean, Harry Mercado and other extreme left environmentalists known as members of the River Mafia Mob. They have repeatedly demonstrated blatant hostility and retaliation against residents, particularly female

conservatives. Refer to EDSO case files #EG15-5698, EG15-5793, EG18-0098 and EG18-06720 which are now a matter of public record.

During the recent January 2019 meeting you witnessed Ythsta Resovich & Greg Jorgensen identify themselves as members of the River Mafia Mob. When I took my turn at the podium RMAC members falsely claimed that I was out of order, they called a break and walked away from the dais. That's when Adam Anderson approached me in a threatening manner at the rear of the room and he commenced to harass and shout at me. As I discussed with you afterwards, our heated exchange was captured on my audio recorder. When RMAC members returned to their seats you advised that they should have left the room. ***I did absolutely nothing wrong and was perfectly within my First Amendment rights.*** It was the RMAC members who violated the Brown Act, but you took absolutely no action to stop them. In so doing you aided and abetted their unlawful conduct, deprived me of my First Amendment rights and thus violated your oaths of office.

Misprision of crime is a serious Federal offense. When any public official is notified yet fails to take remedial action, it condones and perpetuates the misconduct for which they can be held liable. Any act by any public official that doesn't support and defend the Constitution, opposes and violates it. (See also USGC Title 18, Sections 241 & 242).

The River Mafia Mob is broadcasting throughout El Dorado County their disrespect for women and the law because they know EDSO has a sordid reputation for being tolerant of lawbreakers and unresponsive to constituents. As you are aware, I've been shot at, assaulted, libeled, slandered, hacked, and harassed. At least four other women have already been threatened and run out of EDC by the River Mafia Mob. *It is highly doubtful you would be tolerant of their behavior if it was one of your own family members being harassed or threatened.* Many of these incidents go unreported because women especially fear retaliation, or they know law enforcement will be ***unresponsive***. Consequently the potential exists to escalate into yet another serious act of violence or even civil unrest.

Another example was the 9/14/15 RMAC meeting concerning Code Enforcement and noise violations within the Quiet Zone of the SFAR. Kris Payne, Claudia Wade, Sue Taylor, and a retired member of law enforcement attended the meeting at my request. They all witnessed another setup by the River Mafia Mob with the full knowledge and support of Roger Trout and Supervisor Mike Ranalli who were also present. During that meeting you witnessed Tim Lasko and Adam Anderson create a sudden distraction by falsely accusing me of using profanity. The truth is I was seated quietly in the audience which is proven by the audio recordings. You also witnessed as I took my turn at the podium when Nate Rangle falsely accused me of violating the Brown Act and began admonishing me when it was obvious I did nothing wrong whatsoever. You took no action whatsoever to control or correct their unlawful behavior. In an email I addressed to you dated September 23, 2015 at 4:10 PM I requested the RMAC minutes reflect specific corrections, including a public apology.

You refused to do so making it apparent that meeting was another set-up just like the May 2010 RMAC "Brown Act seminar" conducted by Mike Ciccozzi.

As we discussed with you, one of our legal consultants from **Californians Aware** had laid down the law about the Brown Act during the March 2010 RMAC meeting. Dave Martinez, Steve Lyles, and Martin Harris were so shook up about being exposed for their illicit and despicable conduct that they submitted their resignations from RMAC. During another meeting Steve Lyles and Dave Martinez had made exceedingly offensive anti-Semitic remarks which I captured on audio. I shared the context of the recording on the National Governors Prayer Team conference call to demonstrate how out of control the River Mafia Mob had become, and then it was reported publicly to the Board of Supervisors.

Additional proof has been publicly submitted proving that RMAC habitually operates "ultra vires" (outside of the law) as witnessed by Larry Weitzman. The following excerpts are from columns published in the Mountain Democrat and frequently discussed during Taxpayer Association meetings:

7/31/17:

At a very recent River Management Advisory Committee meeting in the Marshall Gold Discovery Park Museum to discuss the updated County River Management Plan, the rafters want to tell the county how to run the river concessions. Isn't that the tail wagging the dog? **There was no county representative present at a very one-sided meeting that bordered on mob rule. While an official county advisory committee, their actions may have been beyond the law and their authority. It's called an "ultra vires act."**

8/16/17:

"...at the Aug. 10 Planning Commission meeting when discussing item No. 5 regarding the new updated River Management Plan (RMP), **I thought Schwartz had morphed into Nancy Pelosi, when she said, "We need to pass the RMP before we do a financial analysis of its impact." Pelosi said an almost identical statement when she said, "We need to pass Obamacare to see what's in it."**

Are you kidding me? What was the name of that turnip truck I just fell off? Of course, in spite of the objections of certain members of the public who even presented information as to the preliminary sheriff's costs relative to the river totaling about \$1 million, there was no analysis or method within the plan of how to recover these taxpayers' costs. Yet, the entire Planning Commission approved the RMP recommending that the Board of Supervisors approve the RMP "as is."

Understand that RMP appears to have been crafted by mostly the commercial rafting industry here in EDC as there are no provisions for cost recovery to the county for costs their industry creates. Sounds like the tail may be wagging the dog.

In fact, one of the ringleaders, **Nate Rangel**, in his column and in his appeal to the Planning Commission at the hearing to pass this updated RMP, attempted to counter facts that with respect to their approximately \$30,000 grant for shuttle buses, the money doesn't come from EDC, but comes from some state or local government environmental grant. Hello! Can anybody tell me where any government money comes from? ...It comes from one place and one place only—the taxpayers. All Rangel is saying in his obfuscation of the facts is that the shuttle buses are essentially being paid for by different taxpayers, but paying just the same.

We also have no idea about code enforcement, another huge (cost) issue along the river, and that includes continuing violations of many concessionaire's special use permits. **Inquiring minds want to know, but unfortunately none of these minds reside in the EDC administration and/or the Planning Commission members.**

8/23/17:

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

Adam Anderson is the chair and business representative. His connection is ownership of the Villa Florentino, which is under scrutiny regarding its special use permit because of complaints. A hearing is scheduled shortly in front of the Planning Commission. Anderson lives somewhere in Placerville, away from the river. Also in attendance were our very competent Deputy Chief Administrative Officer Laura Schwartz and **Vickie Sanders of Parks and Recreation.**

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

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

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

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

Attending this meeting were two very highly paid EDC employees. In fact, their total annual cost to EDC including salary and all benefits as reported by Transparent California exceeds \$400,000. That's an hourly cost of more than \$200 an hour combined... What I am pointing out is the fact that each of these meetings cost the taxpayer a lot of money.

And now there is an outcry that the CAO staff, and Parks and Rec staff has recommended that RMAC be disbanded. Why did it take this long? **To add some gasoline to the fire, RMAC has been nothing more than to protect the interests of the commercial rafting industry, the concessionaires along the river and other related enterprises.** Have they solved any problems? No. **The noise, crime, vandalism, and pollution are as big as ever. Have they ever told the board that it's many times out of control? Of course not.**

Let's determine what the "industry" really costs the county, sheriff, emergency response, environmental management, code enforcement, and SUP violations. We need to know the whole nine yards and then the causation needs to pay their way. Not the taxpayers. **Disbanding RMAC is a great start.**

During another RMAC meeting both you and Mr. Weitzman witnessed Laura Schwartz get up from her seat, walk across the room, and turn off the microphone while I was speaking merely because she objected to my observations about RMAC's

unlawful conduct. The Brown Act makes it clear she had no authority to deprive me of the right to testify or seek redress of grievances. The Brown Act specifically states:

§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.**

You acknowledged that you haven't received any emails from me since Don Ashton distributed an email on 8/17/18 restricting my ability to communicate electronically with unnamed public employees. Apparently you and other Park & Rec staff are among those public employees who have collaborated to deny my First Amendment rights. Consequently I've requested Supervisor Lori Parlin's admin, Shelley Wiley, to forward specific emails to you concerning RMAC and related Parks & Rec issues. **(See Exhibit C)**

The public is entitled to honest services. Your deliberate unresponsiveness suggests you have something to hide, is an abuse of your fiduciary and in violation of your oaths of office. Despite frequent public testimony and evidence submitted into the public record of fraudulent data and misinformation submitted by Parks & Rec staff, you have failed to take any corrective action. Consequently the Planning Commission and BOS will typically vote unanimously to approve any recommendations RMAC may make concerning the River Management Plan. Following are just a few examples we've specifically brought to your attention, but you've remained unresponsive:

- The 5/26/16 Special RMAC meeting was requested by Nate Rangel to be held in the MGD Park Museum at 6:00 PM. Although nobody showed up, it was never officially cancelled; however the next day the meeting minutes appeared on the EDC Legistar calendar indicating that the RMAC meeting commenced immediately at 6:30 PM **after** I had left the premises. The stall tactics apparently

were a strategic attempt to get me to leave so they could conduct the meeting without me. Since then the previously posted minutes have disappeared from the government website along with the audio. "Technical difficulties" appear to be a convenient and frequent excuse especially when there are issues concerning government transparency or RMAC's compliance with the law.

- The July 2017 RMAC meeting was held in the Marshall Gold Discovery Park Museum but there was no representative from the county present to ensure they adhered to the Brown Act. It was chaotic and bordered on mob rule. When I addressed a question, Nate Rangel claimed that counsel told them they "didn't don't have to answer my questions." Larry Weitzman was present to inform RMAC they were "ultra vires", or acting outside of the law.
- On numerous occasions it has been brought to your attention that corrections were never made to RMAC minutes, yet they were approved unanimously under Consent even though it was apparent none of the RMAC members actually read them.
- Adam Anderson had requested that the Whitewater Park item be added to the January RMAC agenda, but the issue was tabled until February when the item was only meant to be discussed. In violation of the Brown Act, in February RMAC took action on a discussion item to approve funding for a feasibility study. It was apparent that in the interim a decision had already been made behind closed doors to transfer money to the River Trust Fund to fund a feasibility study with Anderson's out of state consultant. It is significant that Anderson's resignation from RMAC was twice announced in 2018 but Anderson still remains as the Business Representative to RMAC due to his admitted "legal manipulations" and blatant lies.
- The 6/22/17 Planning Commission Agenda Item #4 was posted on Legistar as a RMAC workshop and falsely promoted by Nate Rangel as a hearing, when in actuality there was no discussion or action taken by the Planning Commission. It was nothing more than a government charade, obstructionism, and another waste of taxpayer's money.
- You've never responded to the following 9/4/15 @ 4:56 PM inquiry - *"I would appreciate an update on developments in addition to our discussion with you and Steve Peterson a couple months ago about "disempowering" the RMAC bullies. This is also relevant to the last Parks & Rec Commission meeting, item #2 concerning Chili Bar litigation."* (Wade vs. EDC & ARC – eminent domain and harassment involving Noah Rucker.) You were made aware of the circumstances surrounding this particular case were also discussed during our meeting with Assemblyman Frank Bigelow relative to the EDC retaliation and threats by the River Mafia Mob. **(See Exhibit D)**

Any enterprise, undertaken by any public official, such as you, that tends to weaken public confidence and undermines the sense of security for individual rights is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the

simplest and clearest definition of that word [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7th 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*. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths.

You've been apprised on numerous occasions that River Supervisor Noah Rucker-Triplett has colluded with county staff and State Parks personnel to unethically circumvent the law, deny Citizens due process, or reply to CA Public Record Act Requests. Your knowledge of deliberate misconduct within your department, and failure to take remedial measures, does not demonstrate transparency or "Good Governance" by any stretch of the imagination. Furthermore, it is against all public policy. For example in an email sent October 5, 2015 @ 1:58 PM to CA State Park RMAC representatives, Noah Triplett wrote:

"We received a public records request from Melody Lane which requests copies of correspondence between RMAC representatives and me. I am seeking an opinion from County Counsel on whether I can I include the emails between you to because there is a confidentiality statement with your emails so she may have to request them from the State."

In another email dated April 28, 2014 @ 3:21 PM, Noah Triplett informed all RMAC representatives:

*"Vickie informed the committee that the County is looking at starting a more comprehensive update to the RMP beyond what was identified in the 5 year summary reports next year (July 2014). This update would include the River Rescue proposal and Institutional Proposal and anything else. The goal being to not piecemeal updates but to try and do it all at once. **This is also going to cost money since the County wants to use the consultant who did the 2001 RMP and as you know the RTF is broke.***

The floodplain litter ord. was tabled indefinitely.

The alternate RMAC representative proposal was also continued.

Maybe Stephen and Keith could get together and come up with a proposal since it sounds like there may be differences?

Please do not respond to all as that could be considered a violation of the Brown act."

Ms. Sanders, you have been regularly apprised on numerous occasions of your staff's failure to comply with the law and the deliberate strategy to delay and obfuscate financial and other pertinent data, particularly as it concerns the River Management Plan. By your actions, you follow neither the letter of the law, nor the spirit of the law, and consistently violate the Supreme Law of the Land and the California Constitution to which you have sworn or affirmed your oath.

Whenever constitutional violations are committed by public officers such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths 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.

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.

Any enterprise, undertaken by any public official, such as you and other county staff which tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths.

Another example emanating from a memo dated May 9, 2017 wherein ACAO Laura Schwartz states, *"...we recommend that this committee [RMAC] be dissolved and that the County encourage interested participants to form an ad-hoc committee...Over the past several months, the majority of RMAC members have stepped down from the Committee resulting in not enough members to reach quorum. Several meetings have been cancelled at the request of RMAC due to a lack of a quorum or no issues to discuss...The Chief Administrative Office recommends that the Board consider filling the vacancies noting that RMAC may be dissolved by the end of the year."*

It is a fact that RMAC members have NOT stepped down; they've regularly continued to conduct serial meetings at Camp Lotus and the Marshall Gold Discovery Park. As you are aware, **serial meetings are strictly prohibited by the Brown Act**. This has been discussed with you on several occasions when we met with you and Steve Petersen. The public's objections to fraudulent data and the recurring pattern of staff misconduct have demonstrated that meetings and public input are nothing more than bureaucratic charades to falsely and fraudulently convince Citizens that their input makes a difference. Subsequently such actions and omissions by you and staff directly under your supervision have caused the BOS to vote to approve staff's predetermined recommendations, thus demonstrating the policy, practice, and custom of deliberate indifference to the liberty, will, consent and inherent rights of Citizens, to wit:

The preamble of the Ralph M. Brown Act states, "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.”

54952.2. (b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, **use a series of communications of any kind, directly or through intermediaries**, to discuss, deliberate, or **take action** on any item of business that is within the subject matter jurisdiction of the legislative body.

*The issue of serial meetings stands at the vortex of two significant public policies: first, the constitutional right of citizens to address grievances and communicate with their elected representatives; and second, the Act's policy favoring public deliberation by multi-member boards, commissions and councils. **The purpose of the serial meeting prohibition is not to prevent citizens from communicating with their elected [or appointed] representatives, but rather to prevent public bodies from circumventing the requirement for open and public deliberation of issues.** The Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken. (§ 54952.2(b); Stockton Newspapers, Inc. v. Redevelopment Agency (1985) 171 Cal.App.3d 95, 103.)*

Additionally falsified minutes are routinely approved by your staff. Your culpability is made evident by your knowledge of staff misconduct and deliberate failure to take remedial action. As we discussed, evidence reveals your collusion with other county staff to deprive Citizens of their right to public information, obstructionism, refusal to engage in dialog, or participate in the deliberation of public policy. Consequently, the decisions made by Parks and Recreation, the Planning Commission and Board of Supervisors that are based on collusion and deliberately falsified information will ultimately affect all EDC tax payers through unnecessarily expensive litigation, thus undermining the public trust in local government.

By your actions and in some cases, inaction, it is clear that you have violated on numerous occasions each and every one of the above provisions. You've been made aware of unlawful government practices within your department, yet you've failed to take any corrective measures. In so, doing you've aided and abetted the perpetuation of government fraud, and are therefore culpable, complicit and liable.

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 government and their corporate allies, and not for the people they theoretically serve.

You have no constitutional or any other valid authority to defy the Constitution, to which you owe your LIMITED authority, delegated to you by and through the People, and to which you swore your oath. Yet, by your actions against me, committed repeatedly on the aforementioned dates and several other occasions, you've deprived me of my inherent rights.

It is apparent the public's input has been reduced to irrelevancy, thereby demonstrating that public RMAC meetings are little more than predetermined outcomes designed to falsely give Citizens the impression of government transparency and accountability, while providing neither. This is blatant fraud perpetrated by you and other elected/appointed officers against the people they are required to serve and who pay their respective salaries.

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 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. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves and owes a fiduciary duty to the public. The fiduciary responsibilities of a public officer cannot be less than those of a private individual. You have failed your fiduciary responsibilities and duty as Parks and Recreation Manager.

Furthermore, 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. 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 (7th 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.*

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, then, he has violated two provisions of the First Amendment, the Public Trust and perjured his oath. 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. 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 un-enumerated 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 or emails, 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 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.***

As stated previously, actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By your stepping outside of your delegated 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 the Citizens of El Dorado County, in the instant case, 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.

You can either uphold your oath and the rights and best interests of the people, or violate your oath and your duties to the people. As stated previously, 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 14th Amendment.

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, then he has violated two provisions of the First Amendment, the Public Trust and perjured his oath. 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. 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 un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

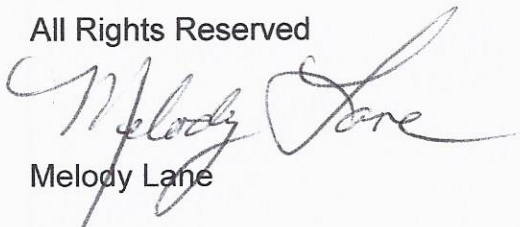
Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support and uphold. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon public employees, without exception, as they are upon you. All of the facts, claims and charges stated herein clearly demonstrate that you, pursuant to your oath, acted outside the lawful scope of your limited duties and constitutional authority; therefore, you acted on your own, as a private Citizen and renegade, outside of any governmental protection and/or immunity, whatsoever. If government were to protect and defend your unconstitutional actions, then, that government becomes complicit in those actions, condones, aids and abets them. (Refer to Title 18 USGC, Sections 241 & 242)

If you disagree with anything in this letter, then rebut that with which you disagree, in writing via a notarized affidavit *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 above the printed name.

Melody Lane

Attachments:

- Exhibit A – 8/3/15 Agenda - Vickie Sanders
- Exhibit B – AOA letter to Palacios re: RMAC
- Exhibit C – Don Ashton email restricting my email
- Exhibit D - Wade vs EDC & ARC – Sweeney letter to BOS

CC: District #1 Supervisor John Hidahl
District #2 Supervisor Shiva Frentzen
District #3 Supervisor Brian Veerkamp
District #4 Supervisor Lori Parlin
District #5 Supervisor Sue Novasel
CAO Don Ashton
Barry Smith, Superintendent Marshall Gold Discovery State Historic Park

8/3/15 RMAC Meeting

Parks & Recreation – Vickie Sanders

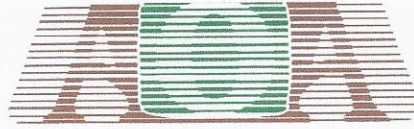
I. Personnel Issues

- A. Noah Rucker
- B. RMAC minutes/Brown Act violations/Audio recordings
- C. Conspiracy/harassment/discrimination
- D. Remedial action

II. Next RMAC Meeting

- A. Rescheduled Date?
- B. May 2010 Brown Act – Ciccozzi/Briggs/Mtn. Demo
- C. Wording of agenda > Bullying
- D. EDSO

EXHIBIT A



Alfa Omega Associates

Management Consulting • Public Relations • Publicity
Specializing in Environmental Organizational Management

P.O. Box 7171 • Auburn, CA 95604-7171
Tel/Fax: 530-888-1523 • Cell: 530-308-2689
E-mail: drdalesmith@aoaconsult.net
Dr. Dale Smith, H.H.D., General Manager

March 19, 2010

PRIORITY MAIL DELIVERY
CONFIRMATION

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

Mr. Palacios,

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

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

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

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

Sincerely yours,

Dr. Dale Smith

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

EXHIBIT B

From: Donald Ashton [mailto:don.ashton@edcgov.us]

Sent: Friday, August 17, 2018 3:45 PM

To: Melody Lane

Cc: AD-Department-Heads-m; The BOSONE; The BOSTWO; The BOSTHREE; The BOSFOUR; The BOSFIVE

Subject: Email Access

Good afternoon Ms. Lane,

Over the last few months, you have sent numerous emails, sometimes including lengthy email chains and/or attachments along with your communication. These emails have included in their distribution numerous staff members in addition to Department Heads, my office, the offices of the Board of Supervisors and their assistants.

The County's email system is designed to make County operations more effective and efficient. In furtherance of that objective the County has a practice of limiting certain types of email traffic. The County has never by policy or practice opened its email system for indiscriminate use by the general public.

The County takes seriously its obligation to provide the constituents of the County with access to their local government, however, the County's email system is not a traditional public forum nor has the County designated it as such. As a nonpublic forum, the County can impose reasonable regulations on the use of its email system. In fact, even where a public forum is involved, the law allows reasonable time, place, and manner restrictions upon the use of that public forum. As has been noted "Freedom of expression does not mean that everyone with opinions or beliefs to express may do so at any time and place..." It has also been recognized that the government and the taxpayers it serves have a substantial interest in avoiding unnecessary drains upon the public resources. By sending these lengthy emails with extensive attachments to numerous County employees and officials, public resources are diverted from other important tasks when those employees and officials must open and review the email and attachments.

This is to let you know that effective immediately the County is restricting your ability to email County staff. In order to ensure you continue to have access to your local government, you will still be permitted to email all Board of Supervisors members, their assistants, County Department Heads as well as edc.cob@edcgov.us and planning@edcgov.us. You remain free to express any opinions, requests, or other comments in your emails as the County has no interest in restricting your ability express your viewpoint on matters of County governance.

We appreciate your interest in the operation of your local government and trust you understand that we share your desire to ensure that the County operates effectively and efficiently for all of the citizens of the County.

WARNING: This email and any attachments may contain private, confidential, and privileged material for the sole use of the intended recipient. Any unauthorized review, copying, or distribution of this email (or any attachments) by other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments.

EXHIBIT C

J. Sweeney Open Forum BAS 5/5/15

Statement to Board of Supervisors at Open Forum by James R. "Jack" Sweeney Date May 5, 2015

Subject:: County Property at Chili Bar

On March 12, 2015 the American River Conservancy (ARC) advertised that they were seeking a Park Aide to work at Chili Bar. This raised my curiosity and prompted the following remarks. It also raises the question as to whether the ARC disregards the authority of the County and if they will continue to get away with such disregard?

When the American River Conservancy sold the property to the County all previous reserved rights merged and no rights were reserved upon that sale. Hence, the ARC retained absolutely no authority nor authorization to remain on the property. Since that sale, the ARC has been squatting on the Public Property owned by the County. ARC refused agreements for occupancy offered by the County.

Unless there has been an agreement made between the County and ARC since January 2013, they are still squatters and should not be offering employment on County Property. I have not seen any such agreement on the open public agenda! The County should immediately stop ARC from using Chili Bar or reach an appropriate agreement that is considered through the public agenda process.

While this matter was rising to the filing of a lawsuit, the County DOT Staff had reached a solution that would have been amicable to all parties; the Board was not given that solution!

The County is already involved in one lawsuit over the ARC misuse of Chili Bar and has countersued for use of an easement to which the County has absolutely no rights.

The County should withdraw the countersuit for the easement; I consider that action to be inappropriate and/or illegal!

The County should settle the original suit out of court.

I would be willing to work with the County to seek these solutions!

The case is Wade v. County of El Dorado and American River Conservancy

PC20120264 =
Eminent Domain &
Harassment

James R Sweeney

1 of 1

EXHIBIT D