

8/30/2021

Edcgov.us Mail - Strongly opposed to removing Cheryl Bly-Chester



*Public Comment #43*  
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

*Bas Recd. 8-30-21*

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## Strongly opposed to removing Cheryl Bly-Chester

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erika@erikamailman.com <erika@erikamailman.com>

Sat, Aug 28, 2021 at 11:04 AM

To: edc.cob@edcgov.us

To Whom It May Concern,

Cheryl Bly-Chester is an EXCELLENT supervisor and should not be removed. This in reference to Item 43. #21-1427.

Thank you.

Erika Mailman



County of El Dorado Clerk of the Board &lt;edc.cob@edcgov.us&gt;

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## Reject Item 21-1427 Recommendation from Supervisor Novasel

1 message

**Robert Williams** <bobw1800@gmail.com>

Sat, Aug 28, 2021 at 11:25 AM

To: George Turnboo &lt;bostwo@edcgov.us&gt;, John Hidahl &lt;john.hidahl@edcgov.us&gt;, bosthree@edcgov.us, Bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

RE: Item 21-1427

I urge that the Board to reject Item 21-1427 as the recommendation by Supervisor Sue Novasel to oust a sitting County Planning Commissioner lacks fundamental disclosure or justification. Ms. Novasel's action denies the public an opportunity to comment on matter of fact rather than a causal, undocumented observation.

Supervisor Novasel's rationale for removal is based on "reviewing Ms. Bly-Chester's conduct while on the Planning Commission." I too have reviewed the conduct of Commissioner Bly-Chester as one of two members to vote in the minority as the full Commission denied the Lennar Heritage II project (3 to 2). I am immediately struck by the irony that Supervisor Novasel and two other Supervisors sided with Ms. Bly-Chester when it reversed the actions of its own Planning Commissioner during the August 10 Board meeting. In admonishing the action of the Planning Commission majority, the Supervisors might have logically sought the removal of the three Commissioners they reversed. Clearly, such an action would be inappropriate. So too is the ouster of Cheryl Bly-Chester without cause.

Residents of District 2 are recognizing the attempts by Supervisors outside the district to undermine the efforts of its duly elected Supervisor. For example, the initiatives of Supervisor Turnboo on forest management and fire mitigation were not appropriately embraced.

As a personal postscript. I am saddened to learn that Supervisor Sue Novasel and her Christmas Valley neighbors are under Caldon fire evacuation warning, I sincerely hope they are spared a tragic loss of property that has already impacted so many El Dorado County residents.

Please turn your attention to matters of public safety rather than engaging in unsubstantiated personal attacks.

Respectfully,

Bob

G Robert Williams

District 2 resident and concern citizen



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

## Public Comment on Consent Item 43 #21-1427

Noelle Mattock <ncmattock@yahoo.com>

Sat, Aug 28, 2021 at 6:31 PM

To: County El Dorado Clerk of the Board <edc.cob@edcgov.us>, bosone@edcgov.us, George Turnboo <bostwo@edcgov.us>, Lori Parlin Bos <bosfour@edcgov.us>, bosfive@edcgov.us, bosthree@edcgov.us  
Cc: Donald Ashton <don.ashton@edcgov.us>

El Dorado County Supervisors,

I am writing in opposition to District 5, Supervisor Sue Novasel's request to remove District 2 Planning Commissioner Cheryl Ann Bly-Chester from the Planning Commission. This is item 43 and per the amended agenda has been scheduled for hearing at 1:30 pm at the August 31, 2021 Board of Supervisors Meeting. Per the El Dorado County Board of Supervisors Governance Handbook, the District 5 Supervisor has failed to provide the rationale and background information for her recommendation of immediate removal of a Planning Commissioner, not from her District, to her fellow Supervisors and the public.

On August 24, 2021 the El Dorado County Board of Supervisors took an important step to be transparent and establish protocols for effectively governing our County. The Board unanimously approved the El Dorado County Board of Supervisors Governance Handbook, which "outlines practices that build and sustain positive Board relationships and define a culture of quality, equity and respect." Furthermore, on page 19 of the Board Protocols it requires that "Items submitted by a Board member should include a rationale, available background information, and a reference in the county strategic priorities. Appropriate related files should be linked to the item."

There is no rationale or background information available, or related files linked to agenda item 43 in Legistar. It is not clear why the removal of the District 2 Commissioner is being recommended. The public and all of the Supervisors deserve to know what laws, protocols and procedures Commissioner Bly-Chester broke, and during which meetings and warranting her immediate removal.

I have attended a number of Planning Commission meetings and watched numerous others since the appointment of Commissioner Bly-Chester. She has conducted herself respectfully, professionally and follows, processes, procedures and protocols. As a new Commissioner appointed during a Worldwide Pandemic, where everyone is learning and adapting to our new virtual reality and meetings, from my perspective, she has risen to the challenge and adapted to her new role.

Unless Commissioner Bly-Chester has broken the law requiring her immediate removal, the first step should be to provide the Commissioner additional training, if warranted.

It is incumbent upon the Board of Supervisors to instill and garner the citizens confidence in our Government and in the Public Process. This action to place item 43 #21-1427, on the agenda just one-week after adopting the El Dorado County Board of Supervisors Governance Handbook goes against everything in the manual as it layouts how our Board Supervisors are to work collaboratively and effectively together.

I urge the Board of Supervisors to reject item 43 and allow Commissioner Bly-Chester to continue her service to her community and this County.

Respectfully,  
Noelle Mattock, District 1



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

## Oppose Item 43 removal District 2 Commissioner

Tracy Doyle <tracyoilsistas@gmail.com>  
To: edc.cob@edcgov.us

Sat, Aug 28, 2021 at 11:35 PM

Supervisors:

I am writing in to oppose the attempted removal by public servants Hidahl and Novasel of the District 2 Planning Commissioner. Dr. Bly-Chester represents my district. She is more than qualified and I feel she has and will continue to do an excellent job representing my Supervisor and by de facto me and all of my district 2 neighbors. Each of you get to place people on commissions. The blocking of Supervisor Turnboo's nominees on commissions and now this egregious attempt to remove our commissioner is stooping to a new low. This retaliative behavior is not going unnoticed.

Perhaps you should review Dr. Bly-Chester's qualifications

Cheryl Bly-Chester is a fifth generation Californian and the third of what is now four generations of California born and bred engineers. She grew up along the American River and was a whitewater raft guide and kayak instructor out of Lotus, California in the 1970s and 80s and has owned property in El Dorado County since the 1990s. She fell in love with the Somerset area at a young age on trips to family property, so she bought her current residence there and (when the time comes) is planning to spend her retirement playing in and on the Cosumnes River.

Cheryl Bly-Chester has over 40 years of engineering experience in the transportation, environmental, water resources, and power generation fields. She founded Rosewood Environmental Engineering in Roseville, CA in 1997 where she still keeps an office. Her clients are located world-wide, but primarily in California and Nevada and have included ski resorts, wineries, golf courses, marinas, land developers, miners, ranchers, farmers and other landowners, forest and building products companies, industrial and commercial operations, hospitals, telecommunication companies; cogeneration/wind power/solar power/hydroelectric/ and nuclear power operators, and various government agencies at the federal, state, county, and municipal levels.

Graduating from UC Davis with a Bachelors degree in Civil Engineering, she subsequently received an Masters of Business Administration, a Masters of International Management, and a Doctorate in Management and Organizational Leadership. Her Doctoral Dissertation was a quantitative analysis on what influences public board decision-making. She was an aide to the US Delegation responding to the Chernobyl Nuclear Disaster in 1986 and attended MIT for a post-graduate certification in nuclear power safety systems.

Based on her credentials and experience, Dr. Bly-Chester has been qualified as an expert in federal court on numerous subjects, including the propriety of agency and public board conduct.

She has numerous national and state professional licenses and certifications, including: California Professional Civil Engineer (and QISP), Qualified Storm Water Pollution Prevention Plan Designer (QSD/QSP), Cal OES Disaster Service Worker Safety Assessor and Trainer, OSHA Hazardous Waste Operator and Supervisor, Certified Waste Operator and Waste Manager, Certified Environmental and Safety Compliance Officer, Certified Environmental Property Assessor, Certified Natural Resources Professional.

Dr. Bly-Chester has written many papers, reports, articles, and presentations in the areas of her expertise, including the inaugural environmental chapter of the McGraw-Hill Highway Engineering Handbook, the seminal reference manual for transportation engineers. She has had contracts with the California Community College Chancellor's office to develop the state system-wide curricula on contracting with the State of California, and has been a repeat guest lecturer for the Environmental Engineering Department at UC Berkeley.

Commissioner Bly-Chester was appointed to the El Dorado Planning Commission for District 2 by unanimous vote of the Board of Supervisors in January of 2021. Her past political appointments include Vice President of both the California State flood board and the State mining & geology board. She served as the Chair of the State's Geo-Hazard Committee, and participated on Governor's Inter-agency Committee on Emergency Levee Repairs and the California Public-Private Working Committee for Emergency Response. She was also appointed to the Placer County Parks and Recreation Commission. In addition, she is or has been a member of numerous volunteer, academic, and professional organizations including as a member of the El Dorado County's SAGE (Surveyors, Architects, Geologists, and Engineers). She has volunteered in India and Sub-Saharan Africa on clean water, safe housing, and regionally appropriate energy development projects.

Of all of her accomplishments, Commissioner Bly-Chester is most proud of having successfully launched three bright, talented, intellectually curious, and compassionate adult children who are now imparting all their wonderful virtues onto the adorable next generation.

Vote no on the removal of Dr. ably-Chester

8/30/2021

Edcgov.us Mail - Oppose Item 43 removal District 2 Commissioner

A concerned district 2 citizen,

Tracy Doyle



County of El Dorado Clerk of the Board &lt;edc.cob@edcgov.us&gt;

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## Request for Board of Supervisors Agenda Item

Karen Davis <kdavis19429@gmail.com>

Sun, Aug 29, 2021 at 7:26 PM

To: bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us, julie.saylor@edcgov.us, james.williams@edcgov.us

Honorable County Supervisors and Clerk of the Board:

Please forward to the board members. I respectfully request Planning Commissioner James Williams be removed and replaced by the board of supervisors. Commissioner James Williams cannot be trusted, seems incapable of independent thinking, doesn't seem to understand the general plan, seems to have no regard for county residents seeking affordable housing, and allowed himself to be manipulated by a developer.

At the July 22 Planning Commission meeting, Commissioner James Williams strongly supported state mandates for affordable housing and asked Serrano developer Kirk Bone to commit to 10 percent affordable housing in the Serrano development. At time stamp 3:18:05 on the July 22 Planning Commission video, Commissioner Williams said, "We are in dire need of affordable housing." Subsequently, Commissioner Williams voted with Amanda Ross to deny the Serrano development because developer Kirk Bone refused to commit to any affordable housing. In addition, Williams was rightly concerned, at the time, about nonconforming lot setbacks for a variety of good reasons. By the way, improper lot setbacks that don't conform to the general plan create fire safety issues. Williams made the right call by voting no on this substandard development. But, that all quickly changed. I wonder why? Quid pro quo?

Suddenly, on August 12, Commissioner James Williams changed his tune and his vote on the Serrano project after meeting with developer Kirk Bone. "We have had conversations with various commissioners....There was quite a bit of discussion....I spoke to Commissioner James Williams," said Serrano developer Kirk Bone at the August 12 Planning Commission meeting (Time Stamp 17:55 8-12-21). After some prompting by Commissioner Vegna, Commissioner James Williams reluctantly admitted he renegotiated the conditions of approval for the Serrano development with the developer. Williams said, "I see no benefit for designing the project for moderate affordable housing" (Time Stamp 18:48 8-12-21). By the way, do you think it is appropriate for Commissioner James Williams to be doing Planning Staff Andrea Howard's job? During the hearing, Williams wouldn't let Howard speak. In addition, he inappropriately interfered with planning staff's review of general plan conformance. Next, Commissioner Williams announced that he would change his vote to support Serrano after he renegotiated the project conditions with developer Kirk Bone. Furthermore, Williams announced that there would be no affordable housing requirements. Finally, Commissioner Williams blamed his indecision on the Board of Supervisors. Williams said he watched a board meeting, then realized he should mimic what he saw the board members doing at the last board meeting. If James Williams cannot think for himself and has to be told by a developer to change his vote, you need to replace him because Williams is embarrassing. I don't think he is fit to serve the county residents.

At the August 12 meeting, Commissioner Amanda Ross also reported that she was also contacted by Kirk Bone to change her vote on Serrano. In a nutshell, Ross said she couldn't support the substandard Serrano development if the developer could not provide any affordable housing. Commissioner Ross should be commended for supporting affordable housing and for not allowing herself to be manipulated like Williams was manipulated to change his vote.

Commissioner Cheryl Bly should be commended for her integrity, trying to inform the public, and for trying to be transparent despite all the efforts of Commissioner Williams to silence Commissioner Cheryl Bly. By the way, Commissioner Williams implied at the Planning Commission that he doesn't want to hear about District 2 issues when he wouldn't let Commissioner Bly speak. What kind of commissioner does that? Commissioner Williams is extremely disrespectful to county staff and his fellow commissioners.

Again, I urge the board to replace Commissioner James Williams because the community cannot trust him. His empty cries for "dire need" affordable housing on July 22 were fake and embarrassing, especially after he admitted he took over planning staff Andrea Howard's job of negotiating with the Serrano developer. Thank you.

Karen Davis



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

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**8/32 Board agenda item 43. #21-1427**

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**Dawn Wolfson** <dewolfson@aol.com>

Sun, Aug 29, 2021 at 7:57 PM

Reply-To: Dawn Wolfson <dewolfson@aol.com>

To: "bostwo@edcgov.us" <bostwo@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Happy Sunday -

I agree with Nicole Gotberg on this particular agenda item. It should be removed from the consent calendar and talked about and then voted down. From what I saw on the planning commission meetings, Ms. Bly-Chester didn't do anything wrong, and I just can't see any reason why Supervisor Novasel has any grounds to remove Supervisor Turnboo's appointee. She seems very qualified, and willing to stand up for the people in our district.

Thanks, Dawn Wolfson, Cameron Park

## COMMISSIONER CHERYL BLY-CHESTER QUALIFICATIONS ([CherylBlyChester@aol.com](mailto:CherylBlyChester@aol.com))

Cheryl Bly-Chester is a fifth generation Californian and the third of what is now four generations of California born and bred engineers. She grew up along the American River and was a whitewater raft guide and kayak instructor out of Lotus, California in the 1970s and 80s and has owned property in El Dorado County since the 1990s. She fell in love with the Somerset area at a young age on trips to family property, so she bought her current residence there and (when the time comes) is planning to spend her retirement playing in and on the Cosumnes River.

Cheryl Bly-Chester has over 40 years of engineering experience in the transportation, environmental, water resources, and power generation fields. She founded Rosewood Environmental Engineering in Roseville, CA in 1997 where she still keeps an office. Her clients are located world-wide, but primarily in California and Nevada and have included ski resorts, wineries, golf courses, marinas, land developers, miners, ranchers, farmers and other landowners, forest and building products companies, industrial and commercial operations, hospitals, telecommunication companies; cogeneration/wind power/solar power/hydroelectric/ and nuclear power operators, and various government agencies at the federal, state, county, and municipal levels.

Graduating from UC Davis with a Bachelors degree in Civil Engineering, she subsequently received an Masters of Business Administration, a Masters of International Management, and a Doctorate in Management and Organizational Leadership. Her Doctoral Dissertation was a quantitative analysis on what influences public board decision-making. She was an aide to the US Delegation responding to the Chernobyl Nuclear Disaster in 1986 and attended MIT for a post-graduate certification in nuclear power safety systems.

Based on her credentials and experience, Dr. Bly-Chester has been qualified as an expert in federal court on numerous subjects, including the propriety of agency and public board conduct.

She has numerous national and state professional licenses and certifications, including: California Professional Civil Engineer (and QISP), Qualified Storm Water Pollution Prevention Plan Designer (QSD/QSP), Cal OES Disaster Service Worker Safety Assessor and Trainer, OSHA Hazardous Waste Operator and Supervisor, Certified Waste Operator and Waste Manager, Certified Environmental and Safety Compliance Officer, Certified Environmental Property Assessor, Certified Natural Resources Professional.

Dr. Bly-Chester has written many papers, reports, articles, and presentations in the areas of her expertise, including the inaugural environmental chapter of the McGraw-Hill Highway Engineering Handbook, the seminal reference manual for transportation engineers. She has had contracts with the California Community College Chancellor's office to develop the state system-wide curricula on contracting with the State of California, and has been a repeat guest lecturer for the Environmental Engineering Department at UC Berkeley.

Commissioner Bly-Chester was appointed to the El Dorado Planning Commission for District 2 by unanimous vote of the Board of Supervisors in January of 2021. Her past political appointments include Vice President of both the California State flood board and the State mining & geology board. She served as the Chair of the State's Geo-Hazard Committee, and participated on Governor's Inter-agency Committee on Emergency Levee Repairs and the California Public-Private Working Committee for Emergency Response. She was also appointed to the Placer County Parks and Recreation Commission. In addition, she is or has been a member of numerous volunteer, academic, and professional organizations including as a member of the El Dorado County's SAGE (Surveyors, Architects, Geologists, and Engineers). She has volunteered in India and Sub-Saharan Africa on clean water, safe housing, and regionally appropriate energy development projects.

Of all of her accomplishments, Commissioner Bly-Chester is most proud of having successfully launched three bright, talented, intellectually curious, and compassionate adult children who are now imparting all their wonderful virtues onto the adorable next generation.





County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

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## Nickson & Assoc. Ltr to Board re: Dr. Cheryl Bly-Chester

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Tim Hamilton <thamiltonesq@earthlink.net>

Mon, Aug 30, 2021 at 12:01 PM

To: edc.cob@edcgov.us

Dear Board, Please find the attached letter from Nickson & Assoc. a district 2 businessman regarding your Tuesday agenda. Thank you, Timothy L. Hamilton

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 08-29-2021 04:27:51AM Letter to BOS.PDF  
201K

# NICKSON AND ASSOCIATES

2931 Boeing Road, Cameron Park, CA, 95682

Telephone: (530) 677-9760

dennis@nickson.biz

August 28, 2021

Re: Board of Supervisors Agenda- possible removal of Dr. Cheryl Bly Chester Planning Commissioner District 2

Dear Board Members:

I write this letter today because I am not available for public comment on Tuesday as I will be out of town. However, it has come to my attention that the Tuesday agenda and decisions regarding the same maybe critical to our districts future.

I understand that our district supervisor is in conflict with the commission over alleged Brown act violations and that the board maybe considering removal of Dr. Bly Chester for voicing her opinion and calling out ex-parte communications by commissioner Williams and other irregularities by the planning commission.

Please consider this correspondence public comment from a businessman who appreciates Dr. Bly Chester's independence and as a person that is unwilling to compromise her values and acts only in the best interest of her district.

I am also appalled at this boards willingness to engage in politics at a time when a good percentage of the county is burning. Your decisions should wait until people are able to return to their homes. I would encourage the board to continue this matter until the community has a real opportunity to voice its opinion.

Sincerely,

NICKSON & ASSOCIATES



DENNIS NICKSON



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

## Opposition to Removal of District 2 Planning Commissioner

2 messages

Scot Telfer <stelfer@live.com>

Mon, Aug 30, 2021 at 2:51 PM

To: County of El Dorado Clerk of the Board <edc.cob@edcgov.us>, "julie.saylor@edcgov.us" <julie.saylor@edcgov.us>

I am writing this email in Support of Cheryl Bly-Chester as our District 2 Planning Commissioner. I as well as others out here in the Fair Play/ Somerset area are appalled at the Planning Commission as well as the Board of Supervisors for even entertaining Agenda Item # 43. Supervisor Novasel recommending the Board remove Cheryl Ann Bly-Chester District 2 Planning Commission Member from the El Dorado County Planning Commission. There have been numerous attempts to remove our District 2 Commissioner because of continued opposition to a few projects. We in Keep Somerset Rural feel this violates Due Process and we are emailing in support of Commissioner Bly-Chester, and her excellent representation of our communities. I personally can't believe you are still as a Board going through with this when a great amount of our County is on fire, and now the fire is getting more and more out of control. I think you could serve your constituents better at this time with more important and appropriate actions. We in Keep Somerset Rural are also interested in on what grounds would you ask for Commissioner Bly-Chester's removal. She stands up when there are policy violations by other Commissioners, makes sure when there are Brown Act violations they are called out, and pretty much has taken continued bullying from other Commissioners during public meetings for standing up against large developers, and outrageous proposed projects, like the Dollar General here in Fair Play, which we have proven time and again "fair argument" that it is not ministerial. Staff does not run decisions made for the Board of Supervisors. The Board directs staff to follow the Board's decision. We have seen multiple times during a meeting that Staff clearly has a bigger influence on your decisions than they should. In closing... the attempted removal of Commissioner Bly-Chester without any wrong-doings on her part, or grounds for removal being present goes against due process and this agenda item should be removed, and continued attempts at removal should be stopped. You work for us, your constituents, and you need to conduct your business more professionally and stop these dog and pony shows.

Scot Telfer  
Keep Somerset Rural

*THE INFORMATION CONTAINED IN THIS ELECTRONIC TRANSMISSION ARE ATTORNEY CLIENT PRIVILEGED COMMUNICATION, INVESTIGATIVE WORK PRODUCT AND CONFIDENTIAL IN NATURE. ITS USE IS SOLELY FOR THAT OF THE ATTORNEY AND HIS/HER CLIENT. ANY OTHER USE IS STRICTLY PROHIBITED. IF YOU RECEIVED THIS COMMUNICATION IN ERROR PLEASE DESTROY AND ADVISE THE SENDER.*



**County of El Dorado Clerk of the Board** <edc.cob@edcgov.us>

Mon, Aug 30, 2021 at 3:00 PM

To: The BOSONE <bosone@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, The BOSTHREE <bostthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>  
Cc: Tiffany Schmid <tiffany.schmid@edcgov.us>, Jeanette Salmon <jeanette.salmon@edcgov.us>, Robert Peters <robert.peters@edcgov.us>, Brendan Ferry <brendan.ferry@edcgov.us>, Breann Moebius <breann.moebius@edcgov.us>, Julie Saylor <julie.saylor@edcgov.us>

FYI, #43, File ID #21-1427

Office of the Clerk of the Board  
El Dorado County  
330 Fair Lane, Placerville, CA 95667  
530-621-5390

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[Quoted text hidden]



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

## Please Post on item 43 for tomorrow's BOS Agenda, Thank you

**Cheryl Bly-Chester** <cheryl.bly-chester@edcgov.us>  
To: edc.cob@edcgov.us, Kim Dawson <kim.dawson@edcgov.us>

Mon, Aug 30, 2021 at 3:10 PM

### COMMISSIONER CHERYL BLY-CHESTER QUALIFICATIONS

Cheryl Bly-Chester is a fifth generation Californian and the third of what is now four generations of California born and bred engineers. She grew up along the American River and was a whitewater raft guide and kayak instructor out of Lotus, California in the 1970s and 80s and has owned property in El Dorado County since the 1990s. She fell in love with the Somerset area at a young age on trips to family property, so she bought her current residence there and (when the time comes) is planning to spend her retirement playing in and on the Cosumnes River.

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Of all of her accomplishments, Commissioner Bly-Chester is most proud of having successfully launched three bright, talented, intellectually curious, and compassionate adult children who are now imparting all their wonderful virtues onto the adorable next generation.



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

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## TPA Comments 8.31 Item 43

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**Andy Nevis** <andynevis@gmail.com>

Mon, Aug 30, 2021 at 3:17 PM

To: The BOSONE <bosone@edcgov.us>, bostwo@edcgov.us, The BOSTHREE <bosthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, bosfive@edcgov.us, Edc Cob <edc.cob@edcgov.us>

Cc: Donald Ashton <don.ashton@edcgov.us>, tiffany.schmid@edcgov.us

Good afternoon Board,

Attached are the Taxpayer Association's Comments on Item 43 on the 8.31 agenda. Thank you.

Sincerely,  
Andy Nevis  
President, Taxpayers Association of El Dorado County



**TPA Item 43 Comments.pdf**

169K



# Taxpayers' Association of El Dorado County

**DATE:** August 30, 2021  
**TO:** El Dorado County Board of Supervisors  
**FROM:** Andy Nevis, President, Taxpayers Association of El Dorado County  
**RE:** 8/31 Item 43 – Removal of Planning Commission Member Cheryl Ann Bly-Chester

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The Taxpayers Association of El Dorado County asks you to reject Item 43, a request to remove District 2 Planning Commissioner Cheryl Ann Bly-Chester

The voters of District 2 elected Supervisor George Turnboo in the November 2020 election, giving him a mandate to fill district-specific positions on various commissions including the Planning Commission. The removal of a commissioner who retains the support of their duly elected supervisor should take place only in cases of egregious misconduct and with significant documentation and evidence that the public has an opportunity to review and comment on before a decision is made.

The current agenda item contains **no documentation or evidence**, merely stating that the Supervisor bringing forth this item reviewed Commissioner's Bly-Chester's conduct and apparently found it to be unsatisfactory. Removing Commissioner Bly-Chester without allowing the residents of District 2 an opportunity to review the complaints against her and provide input would significantly erode public confidence in both the Planning Commission and your Board. Further, it could have a chilling effect on county commission members, as it sets a precedent that the Board is willing to remove a member based on vague and unstated allegations.



George Turnboo <george.turnboo@edcgov.us>

## [BOSTwo] Fwd: Strongly opposed to removing Cheryl Bly-Chester

1 message

County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Mon, Aug 30, 2021 at 8:12 AM

To: The BOSONE <bosone@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, The BOSTHREE <bosthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>

Cc: Tiffany Schmid <tiffany.schmid@edcgov.us>, Jeanette Salmon <jeanette.salmon@edcgov.us>, Robert Peters <robert.peters@edcgov.us>, Brendan Ferry <brendan.ferry@edcgov.us>, Breann Moebius <breann.moebius@edcgov.us>, Julie Saylor <julie.saylor@edcgov.us>

FYI , #43, File ID #21-1427

Office of the Clerk of the Board  
El Dorado County  
330 Fair Lane, Placerville, CA 95667  
530-621-5390

**CONFIDENTIALITY NOTICE:** This electronic communication with its contents may contain confidential and/or privileged information. It is solely for the use of the intended recipient(s), except as otherwise permitted. Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, or authorized to receive for the intended recipient, please contact the sender and destroy all copies of the communication. Thank you for your consideration.

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

From: <erika@erikamailman.com>  
Date: Sat, Aug 28, 2021 at 11:04 AM  
Subject: Strongly opposed to removing Cheryl Bly-Chester  
To: <edc.cob@edcgov.us>

To Whom It May Concern,  
Cheryl Bly-Chester is an EXCELLENT supervisor and should not be removed.  
This in reference to Item 43. #21-1427.

Thank you.  
Erika Mailman





George Turnboo &lt;george.turnboo@edcgov.us&gt;

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**[BOSTwo] Planning Commissioner**

1 message

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**Steve Ferry** <steve@stevferry.com>  
To: John Hidahl <bosone@edcgov.us>  
Cc: George Turnboo <bostwo@edcgov.us>

Mon, Aug 30, 2021 at 12:48 PM

Supervisor Hidahl,

I understand that you have agendized an issue brought forth by Supervisor Novasel to terminate Supervisor Turnboo's choice for Planning Commissioner. To be straight forward about this, doing this is a big mistake. You would be firing the commissioner over a difference in politics or a difference in thought, or even lack of understanding. Not a good idea. If there is a moral turpitude issue or breaking of the law then please move forward, however if those issues do not exist then it is a gross misuse of political power to dismiss someone because of political differences. Please strike this issue from your agenda.

Thank you,

Steve Ferry  
[steve@stevferry.com](mailto:steve@stevferry.com)  
916-468-3300



County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

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## Please publicly post to Item #43 of the 8/31/21 BOS Agenda

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Melody Lane <melody.lane@reagan.com>

Mon, Aug 30, 2021 at 3:49 PM

To: edc.cob@edcgov.us, Kim Dawson <Kim.Dawson@edcgov.us>

Cc: john.hidahl@edcgov.us, george.turnboo@edcgov.us, wendy.thomas@edcgov.us, lori.parlin@edcgov.us, Donald Ashton <don.ashton@edcgov.us>, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Please ensure the entirety of this correspondence, including the attached Affidavit addressed to Sue Novasel, is timely posted via Legistar and distributed via the GovDelivery system relevant to Item #43 of the 8/31/21 BOS Agenda.

Regards,

*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.”

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### 3 attachments

 **Novasel affidavit.pdf**  
7999K

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

 **BOS Item 43 - Novasel v Bly-Chester 8-30-21.doc**  
42K

## AFFIDAVIT/DECLARATION OF TRUTH

To: Supervisor Sue Novasel District #5  
El Dorado County Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

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, Supervisor Sue Novasel, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, 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 and 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 February 5, 2019 I sent you, Sue Novasel, via USPS certified mail, a letter which you received on February 7, 2019. That letter was sent to inform you of specific events and statements made by you, and also as an inquiry to ascertain whether you, Supervisor Sue Novasel, would support and uphold them or rebut them. Pursuant to the lawful notification contained in that letter, as I originally stated therein, you were required to respond to and rebut *with specificity* via a sworn notarized affidavit anything contained in that letter with which you disagreed within thirty (30) days of receipt thereof. You failed to respond or rebut with specificity to each of the factual claims stated therein. **(See Exhibit A)**

Ms. Novasel, it is the state and federal Constitutions that grant your official authority--not any statute, rule, regulation, or ordinance which are all inferior to the Constitutions. Lest you forget, you work for "we the people." It evidently appears that the fallacious email dated February 21, 2019 was authored on your behalf by County Counsel and sent to me under your signature in retaliation for my challenging your unconstitutional actions. County employees who violate the rights of the people do so outside of the lawful scope of their duties and authority, and such deprivation of Citizens of their Constitutionally-secured rights, if not wanton, is certainly reckless and/or malicious. Furthermore, County Counsel has no Constitutional authority, or any other form of valid authority, to defend public officials who commit crimes against El Dorado County Citizens. It is totally inconsistent, not to mention unlawful, for a Constitutionally-ordained office, staffed with attorneys who have sworn oaths to uphold and support the Constitutions, to defend a public official who is accused by a Citizen, supported by truth, facts, valid law and evidence, of violating those very same Constitutions, inherent rights secured therein, due process of law and perjuring his/her oath when that Citizen has cited, by affidavit, the Constitutional authority that has been violated. To do so would be an extraordinary conflict of interest as well as an act of sedition, insurrection, and treason. Your absurd claims and placement of your name and title on that email do not grant you any authority whatsoever to do anything as a public official that would violate your oaths of office. You violated all Constitutional provisions and therefore perjured your oath, acted without Constitutional authority, committed fraud and acted criminally, recklessly and maliciously against me. **(See Exhibit B)**

Any student of history and the law knows that the landmark Supreme Court decision, *Marbury v. Madison* states, "*The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law.*" The law of supremacy means that the *Supreme Law of this land*, the national Constitution, trumps any other lesser "laws" which conflict with it in letter and/or spirit, whether in the form of statutes, codes, administrative regulations, rules and policies, propagated by any other political/governmental jurisdiction, including El Dorado County. Simply put, any act by any public official either supports and defends the Constitution, or opposes or violates it. That's why you were required to take a Constitutional oath of office. Therefore, pursuant to the referenced lawful notification, you tacitly admit to all of the statements, charges and claims contained therein, fully binding upon you in any court without your protest, objection and that of those who represent you.

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

- 1) In 2009 I founded a whistleblower organization representing El Dorado County Citizens. As such, I have always been entitled to speak for five minutes during the BOS meetings. On several occasions you discriminately interrupted me after only three minutes and unlawfully shut off the microphone while I exercised my First Amendment rights and specifically in compliance with section §54954.3 of the Brown Act. I've challenged your actions by stating for the public record, "*I'm not breaking the law--you are!*" You replied, "*No I'm not!*" and defiantly marched out of the room with the other Supervisors. Ms. Novasel, you are not the reincarnation of King George sitting on the throne, nor do you have any authority to reinterpret the law and dictate to the Citizens of El Dorado County. If you had any intention

of rebutting my constitutional positions, then you would have cited valid positions in the Constitution(s) in a notarized rebuttal, but you failed to do so. No administrative interpretation, statute, code, regulation, rule or policy can lawfully be used to uphold unconstitutional actions committed by any public officer which subvert, deny and violate inherent rights guaranteed to the people in the Constitution(s) and perjure the oath of the public officer. Your failure to constitutionally, lawfully, truthfully and factually rebut the specific charges leveled against you based upon your egregious unconstitutional actions clearly indicate that you are a domestic enemy unlawfully holding office pursuant to, in part, the self-executing Sections 3 & 4 of the 14th Amendment and all other lawful positions previously cited.

- 2) Under the Political Reform Act, federal anticorruption law broadly guarantees the public "honest services" from public officials. Depriving the public of honest services is a federal crime.... a collaborative "set up" by county officials to discredit and permanently silence me for whistleblowing. *"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)*). Your collusion and failure to **lawfully** or **publicly** respond to constituents, in this case me, or to take remedial action, aids and abets the perpetuation of El Dorado County corruption. 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. You failed this requirement; thus you violated two provisions of the First Amendment, the Public Trust and perjured your oaths of office.
- 3) All actions by public officers conducted in the performance of their official duties either support and defend the national and state Constitutions, pursuant to their Constitutional oaths of office, or oppose and violate them. One of the purposes of the oath is that it is given in exchange for the Public Trust. You have no constitutional authority, whatsoever, or any other form of valid, lawful authority, to oppose, contradict, deny and violate the very documents to which you have sworn your oath, but as indicated in my previous referenced letter and in this affidavit, this is exactly what you have done. By your own actions, pursuant to your oath, you have flagrantly violated these First Amendment guarantees, betrayed the Public Trust and perjured your oaths of office.
- 4) 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 and thereby uphold and protect the rights of the people, as opposed to upholding and promoting the profits of a rapacious, destructive government that perniciously violates the rights of the people as its apparent routine custom, practice and policy. *See USGC Title 18, § 2071 – Concealment, removal, or mutilation generally. See also USGC Title 18, Sections 241 and 242.* By your unlawful actions, you acted in sedition and insurrection

against the Constitutions, both federal and state, and in treason against the People, in the instant case, me.

- 5) On several occasions I have publicly brought to your attention and that of other County officials evidence of retaliation, harassment, and bully tactics by the “River Mafia Mob” who surreptitiously work in collusion with county staff under your full knowledge, influence and control. When a public officer, such as you, fails to act and correct the matter reported to her, then she condones, aids, and abets criminal actions, and further, colludes and conspires to deprive me and other Citizens of their inherent rights guaranteed in the Constitutions, as a custom, practice and usual business operation of her office and the jurisdiction for which she works. 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 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.*
  
- 6) During the January 29, 2019 BOS Open Forum, I attempted to bring to the Board’s attention a specific problem and publicly dialog with District #4 Supervisor Parlin about it. That’s when you shut off the microphone, called a break and marched out of the room. It was not I who broke the law; it was you. By refusing to allow Supervisor Parlin to respond to my direct inquiries you violated Sections 54954.3 and 54954.2(a) of the Brown Act. By your overt act, you the oath taker denied me the Citizen remedy, thus I’ve been denied constitutional due process of law as set forth within the Bill of Rights. Additionally, your actions demonstrate lack of government transparency or Good Governance Policy. There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or other public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by Citizens injured by their actions. *See: U.S. v. Tweel, cited above.* All American Citizens can expect, and have the Right and duty to demand, that you and other 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.
  
- 7) When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by those 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. Their signatures upon the oath documents therefore constitute fraud. Fraud vitiates any action. Any enterprise undertaken by any public official, such as you have conducted, tends to weaken public confidence and undermines the sense of security for individual rights, and is against all public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. *“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*

of Title 18 U.S.C., Sections 241, 242 **Treason** under the Constitution at Article 3, Section 3., and Intrinsic **Fraud** [*Auerbach v Samuels*, 10 Utah 2nd. 152, 349 P. 2nd. 1112,1114. *Alleghany Corp v Kirby Keeton Packing Co. v State.*, 437 S.W. 20, 28]. You failed to provide honest public services pursuant to your oaths, and in so doing, you perjured your oaths by violating my Constitutionally guaranteed Rights, in particular those secured in the Bill of Rights, including but not limited to my First Amendment Rights.

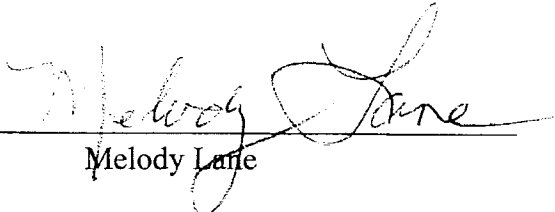
Any act passed by any legislature or any other governing body and any action committed by any public officer either supports and upholds the Constitutions, or opposes and violates them. No public officer has the constitutional authority—or any other form of valid authority—to oppose the very documents to which he has sworn or affirmed his oath. IT IS THIS SIMPLE. In my referenced previous letter sent to you and in this affidavit, I have conclusively proven that you have violated these constitutional requirements by your unconstitutional actions, as stated herein, and in the previous letter. The Constitution does not restrict or limit rights guaranteed in that Constitution nor any aspect of due process of law. However, you, pursuant to your oath, as described herein and in the referenced previous letter sent to you, have violated, restricted and denied my inherent constitutionally guaranteed rights and due process of law by your own actions as described above. Thus, you have invoked the self-executing Sections 3 and 4 of the 14<sup>th</sup> Amendment, vacated your office and forfeited all benefits thereof, including salaries and pensions. You have no lawful authority to continue in office, and those other public officers who may collude with, conspire, protect, aid and abet your actions are complicit in your criminal actions and thereby also invoke the referenced self-executing Sections 3 and 4 of the 14<sup>th</sup> Amendment. A constitutional republic, as is California, requires constitutional remedies for constitutional crimes, and you and the ruling “authorities” in this county are duty bound to provide those constitutional remedies for the unconstitutional actions committed against me by you and referenced others, as described herein.

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 all of 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 and 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 national and state Constitutions, the laws of the United States of America and this state of California. An un-rebutted affidavit stands as truth 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, Supervisor Sue Novasel, 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:  Date: 3/27/19  
Melody Lane

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

**(See attached California Notarization)**

Attachments:

- Exhibit A – Pre-letter to Supervisor Sue Novasel Cert. USPS #7017-0660-0000-5528-1404
- Exhibit B – 2/21/19 Novasel reply to correspondence

CC: Dist. #1 Supervisor John Hidahl  
Dist. # 2 Supervisor Shiva Frentzen  
Dist. # 3 Supervisor Brian Veerkamp  
District #4 Supervisor Lori Parlin  
EDC District Attorney Vern Pierson  
Media and other interested parties



# CALIFORNIA 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 Dorado }

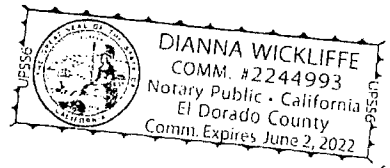
Subscribed and sworn to (or affirmed) before me on this 27 day of March 2019  
Date Month Year

by Melody Lynn Lane

Name of Signers

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

Signature: [Signature]  
Signature of Notary Public



Seal  
Place Notary Seal Above

## OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.

### Description of Attached Document

Title or Type of Document: Affidavit of Truth

Document Date: 3/27/19

Number of Pages: 6 pages

Signer(s) Other Than Named Above: \_\_\_\_\_

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

January 31, 2019

District #5 Supervisor Sue Novasel  
El Dorado County Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

Supervisor Novasel,

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 officers, 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

**EXHIBIT A**

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 the Brown Act Rights of the Public and your arrogant disdain for the people whom you profess to serve. Any enterprise, undertaken by any public official, such as you and other Board of Supervisor members, which tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy.

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.

Marbury v. Madison, states "*The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law.*" The Constitution and the CA Brown Act are written in language that any layman can easily understand. On numerous occasions you've received copies of the Brown Act Rights of the Public that I distributed to the Board of Supervisors. In 2016 Lori Parlin submitted the exact same document to the Board of Supervisors which I had provided to her. The law was clearly laid out before you in black and white, yet you had the audacity to state that you were not breaking the law. **(See Exhibit A)**

On two occasions you have censored me without any lawful authority to do so. The first time was during Open Forum on January 15, 2019 and then again on January 29, 2019 while I was addressing Supervisor Lori Parlin. Most recently prior to Open Forum comments you stated that individuals have three minutes to speak, whereas organizations have five minutes to speak as a group. Two individuals, Terry Keyes and Ken Greenwood, far exceeded their three minute limit, but they were not discriminated against, cut off, and censored as you did to me when I attempted to briefly address specific issues to Supervisor Parlin. You were clearly out of order and violated my rights by calling a recess when I stood my ground and refused to yield my sovereignty to your discriminatory and retaliatory temper tantrum.

I am the only authorized spokesperson for **Compass2Truth**, a whistleblower organization founded in 2009. As such I am allotted five minutes to speak, but the clock stops during dialog with the Board. The foundation of our organization was based upon the preamble of the Brown Act, thanks largely in part to the Californians Aware consultants whose area of legal expertise is the CA Brown Act. Emphasizing the rights

of the public, one such consultant literally laid down the law on the table during a 2010 RMAC meeting. **(See Exhibit B)**

"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.**"

Ms. Novasel, you don't have to like what I have to say, nor do you have the discretion to reinterpret the law to suit your prohibition of any *meaningful public dialog*. In so doing you've maintained the corrupt status quo perpetuated by previous supervisors. To be perfectly clear, I have not expressed opinions before the Board of Supervisors, rather I've presented *truth, facts, evidence and valid law* into the public record. This is information the public has a right to know. With regard to your disrespectful attitude towards the rights of the public, the Ralph M. Brown Act 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.**

Concerning your intervention when I've addressed specific questions to Lori Parlin during BOS meetings, the Ralph M. Brown Act further states:

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).)”**

Since her election Lori Parlin has been unresponsive to communications particularly concerning District #4 concerns. It was for that reason I publicly raised the issue on January 29th and requested the matter be scheduled for a future meeting. Furthermore it is a fact that CAP Don Ashton distributed an unlawful edict to the Board of Supervisors restricting my ability to communicate electronically with county staff. That document was entered into the public record on January 15<sup>th</sup>. On both occasions you violated my Right to petition my District supervisor for the purpose of redress of those grievances, and in so doing I was harmed by your 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, 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 correspondence 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. 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, 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.

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. This key federal criminal statute makes it unlawful for anyone acting with authority to *deprive or conspire to deprive another person of any right protected by the Constitution or laws of the United States*:

*“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 U.S.C. Sections 241 and 242, **treason** under the Constitution at Article 3, Section 3., and intrinsic **fraud**...*”

Any enterprise, undertaken by any public official, such as you, that tends to weaken public confidence in government and undermines the sense of security for individual rights, is against all 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 failure to provide honest public services, pursuant to your oaths.

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 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 limited, delegated duties and authority, **you are personally liable**. In fact, the national Constitution provides remedy for the people when public officials, 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.

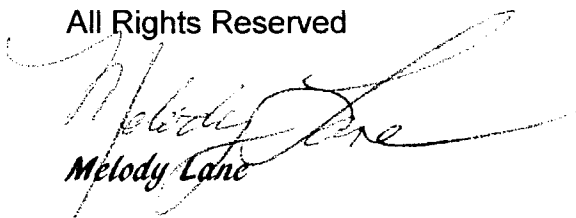
Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support and uphold. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon public officers, 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. (See Title 18, 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, Sue Novasel, in any court in America, without your protest or objection and that of those who represent you.

Sincerely,

All Rights Reserved



Melody Lane

Attachments:

Exhibit A – Brown Act Rights of the Public

Exhibit B – 2009 COMPAS News Release

Cc: Dist. #1 Supervisor John Hidahl  
Dist. #2 Supervisor Shiva Frentzen  
Dist. # 3 Supervisor Brian Veerkamp  
Dist. #4 Supervisor Lori Parlin  
CAO Don Ashton  
District Attorney Vern Pierson

# CALIFORNIA BROWN ACT

## PREAMBLE:

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

## CHAPTER V.

### RIGHTS OF THE PUBLIC

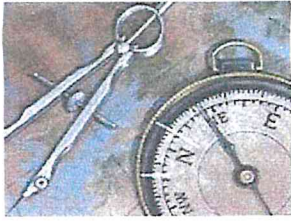
§54954.3 Public's right to testify at meetings. (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege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

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

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

# EXHIBIT A





# COMPAS

*Citizens Organized to Monitor Protect And Serve*

## NEWS RELEASE

Contact • Melody Lane • 530-642-1670 • [melodylane@calis.com](mailto:melodylane@calis.com)

Coloma, CA November 12, 2009 - *COMPAS*, a new citizens association has been formed in El Dorado County to do just what the name says - *Citizens Organized to Monitor Protect and Serve*. This very compelling mandate is the cornerstone of the newly formed group which dovetails perfectly with the Preamble of the CA Brown Act:

**"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."**

*COMPAS* is comprised of concerned citizens, residents and dedicated volunteers. We believe that this statement and the hundreds of other legal requisites of the Ralph M. Brown Act and The Bagley-Keene Open Meeting Act pertain to the River Management Advisory Committee (RMAC), the State Department of Parks & Recreation, Marshall Gold Discovery Historic State Park, and other affiliated organizations in El Dorado County that work closely with government agencies.

The mission of *COMPAS* is to sustain the high quality of life in El Dorado County, to educate residents and visitors while providing focused direction and assuring protection from the effects of unmonitored management and a general degradation of the wonders and benefits of this historic county.

The goal of *COMPAS* is to preserve the environmental and historic heritage of El Dorado County for present and future generations. Included in this goal is the method of accountability of funds used to maintain the historic environment that makes the western slope of El Dorado County a safe and desirable area for residents and tourists alike. This objective includes citing informed suggestions for more desirable methods of operation in addition to accountability for historic artifacts, natural resources and designated funds.

Long standing controversies associated with the El Dorado County River Management Plan and the Marshall Gold Discovery Park have captured the attention of Governor Schwarzenegger and other legislators in

# EXHIBIT B

Sacramento. However few citizens fully comprehend the complexity of the controlling powers or how to effectively navigate these shark infested political waters. In a CA non-profit benefits corporation the anonymity of group members is protected from intimidation or retaliation for exposing illegal operations and/or abusive manipulation by all agencies and their affiliates.

A serious crisis of public safety and fiscal accountability lurks at the “world wide renowned Marshall Gold Discovery Park.” The El Dorado County Board of Supervisors and CA State Parks Director Ruth Coleman have continually turned blind eyes & deaf ears to concerned residents calls for action. *COMPAS* is calling for **investigation and action into these violations**, for which there are both Civil Remedies and Criminal Sanctions. We pledge to get this information properly disseminated to the general public, State & National government offices, watchdog organizations and the media. Consultants view this as significant breakthrough in undetected and/or underreported accounts of dreadfully serious malfeasance at the site where the 1849 California Gold Rush had its beginning.

*COMPAS* now has the tools and first-hand knowledge to expose many of the problems that for years have plagued this historic American River region. They may be partially summed up as: mislaid records, missing money, lost artifacts, lack of code & law enforcement, private property encroachments, five recent arson fires, unethical business conduct, censorship and many serious public safety issues that have been swept under the rug of government bureaucracy. *COMPAS* provides the concerned citizens of El Dorado County a powerful venue to navigate conflicts and ensure that local and State government officials will no longer ignore those citizens in favor of special interest groups.

Since 1998 *COMPAS* President, Melody Lane has resided adjacent to the 500-acre Marshall Gold Discovery Historic State Park. She is Past President of the Bay Area Chapter of Executive Women International, has worked for El Dorado County Human Services as well as for the Executive Staff at Sacramento City Hall, and served as the 2001 President of the Gold Discovery Park Association. Her judicious record-keeping and deep concern for the area assures validity in forthcoming reports and materials *COMPAS* will bring forward. Additionally her wide experience involves several art organizations, an essential financial support to the area. She is currently the Public Relations/Membership Director for the International Association of Pastel Artists. Her home is ideally situated upon the historic Mt. Murphy overlooking the South Fork of the American River where the panoramic views have provided inspiration to artists of all mediums from throughout the world.

Melody is available for interviews of all kinds. 530-642-1670 • [melodylane@calis.com](mailto:melodylane@calis.com) Photo included.

**From:** [sue.novasel@edcgov.us](mailto:sue.novasel@edcgov.us) [mailto:[sue.novasel@edcgov.us](mailto:sue.novasel@edcgov.us)] **On Behalf Of** The BOSFIVE  
**Sent:** Thursday, February 21, 2019 10:15 AM  
**To:** Melody Lane  
**Subject:** Reply to your correspondence

Dear Ms. Lane,

I have received your correspondence dated January 31, 2019, which was sent as an attachment to your February 7, 2019 email. Although I am not obligated to respond to your accusations, I hereby reject all allegations and conclusions contained in your letter. Specifically I reject, in its entirety, your contention that I have violated any of my duties, whether constitutional or statutory. I further disagree with your contention that the Board of Supervisors' policies, procedures, and practices regarding public participation at our meetings violate either the letter or spirit of the Brown Act. In this regard, your citation to Government Code section 54954.3 is particularly appropriate. Section 54954.3(b)(1) provides that "The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker." [emphasis added]. The Board of Supervisors has adopted a 3 minute time limit for each individual speaker. This 3 minute time limit is clearly stated on each Board Agenda. Just recently, in *Ribakoff v. City of Long Beach* 27 Cal.App.5<sup>th</sup> 150 (2018), the California Court of Appeal upheld a three minute time limit on public speakers. As such, your claim of a violation of your First Amendment right based upon the enforcement of the properly established time limit on public speakers is without merit.

I reject your claim that you have the authority to require a written rebuttal to each claim, statement, and argument [contained in your letter] within 30 days. The cases you cite for that position, *Connally v. General Construction* (1926) 269 U.S. 385 and *U.S. v. Tweel* (5<sup>th</sup> Cir. 1977) 550 F.2d 297 do not provide authority for the proposition that one party can impose admissions on another by virtue of silence.

Please be advised I do not intend to respond to future correspondence of this nature. I have no duty or obligation to respond to all correspondence received, no matter how voluminous, repetitious, or baseless it is. *Minnesota State Board for Community Colleges v. Knight* (1984) 465 U.S. 271, 288. My decision not to respond to future correspondence of this nature should not be read as acquiescence or concurrence with any of your allegations or claims.

Sincerely,  
Sue Novasel

--

Sue Novasel, County Supervisor  
District V, Lake Tahoe to Pollock Pines  
County of El Dorado  
530.621.6577

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**EXHIBIT B**

# 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).)



# Compass2Truth

*Citizens for Constitutional Liberty*

P.O. Box 598  
Coloma, CA 95613

August 30, 2021

To: District #1 Supervisor John Hidahl  
District #2 Supervisor George Turnboo  
District #3 Supervisor Wendy Thomas  
District #4 Supervisor Lori Parlin  
District #5 Supervisor Sue Novasel

RE: 8/31/21 BOS Agenda Item #43 – Sue Novasel’s Request to Remove Planning Commissioner Cheryl Bly-Chester

Dear Supervisors,

During today’s Taxpayers Association meeting discussion ensued concerning Sue Novasel’s request to remove Planning Commissioner Cheryl Bly-Chester. The fact remains that the public was not given sufficient notice or substantiation as to Supervisor Novasel’s motives relative to item #43 of the 8/31/21 BOS meeting agenda as required under the Brown Act.

The preamble of the Brown Act states that at least 72 hours prior to a regular meeting, the body must post an agenda containing a brief general description of each item to be discussed or transacted at the meeting. Under Section 54954.2, the Brown Act requires a “**brief general description in order to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting.**” The item was blank, thus the public was deprived of necessary information in order to actively participate in this meeting.

The impression conveyed to the public is that Ms. Novasel has an ax to grind and that she has something to hide which unnecessarily contributes to political theater. Furthermore, Ms. Novasel’s surreptitious actions are contrary to the EDC Core Values of Accountability, Collaboration, Integrity and Service Excellence.

Sue Novasel is the poster child for the Progressive/Marxist agenda for the 21<sup>st</sup> century. During her tenure as District #5 Supervisor, Sue Novasel has consistently demonstrated her contempt for the Constitution, her oaths of office, and the Brown Act Rights of the Public. Notification of legal responsibility is the first essential of due process of law. As a consequence, she was served with the attached Affidavit of Truth containing specific claims and averments. An un rebutted affidavit stands as truth and fact before any court of law in America.

All actions by public officers conducted in the performance of their official duties either support and defend the national and state Constitutions, pursuant to their Constitutional oaths of office, or oppose and violate them. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by those 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. Their signatures upon the oath documents therefore constitute fraud. Fraud vitiates any action.

Any enterprise undertaken by any public official, such as Sue Novasel has done, tends to weaken public confidence and undermines the sense of security for individual rights, and is against all public policy. Apparently Ms. Novasel thinks she is just as much above the law as Nancy Pelosi. The question remains as to who exactly was responsible for permitting this item to be posted to the BOS agenda, sans the written justification, as required by law?

You are strongly urged to oppose the removal of Planning Commissioner Cheryl Bly-Chester. Instead, it is Sue Novasel who should be removed from office for abuse of the public trust and consistent violations of her oaths of office.

Sincerely,

**Melody Lane**

Founder – *Compass2Truth*

Attachment: Sue Novasel Affidavit