

Board of Supervisors, August 5, 2014 – Mark E. Smith Garden Valley
Consent/Item 1 - Minutes Agenda Comment

Last week on July 29th under Item 28th this Board voted to crush Proposition 2, the Yellow petition, titled “Restore Measure Y – No More Paper Roads”. You did so even though on May 13th, June 10th, and July 22nd 2014 you assured the public that you would treat all of the measures the same and that none of the initiatives would be delayed by BOS action. (See attached detailed history of events)

By doing so, you directly and without reservation violated the US Constitution, 14th Amendment, Section 1, where it guarantees EQUAL PROTECTION UNDER THE LAW.

But your tyranny did not end there. By effectively crushing the democratic process and not allowing this initiative to proceed to the 2014 ballot, you also directly and without reservation violated the US Constitution, 1st Amendment, the RIGHT of THE PEOPLE to PETITION the government for REDRESS of GRIEVANCES.

During the course of the debate, you also continued a long pattern of willful violation of the US Constitution 1st Amendment, RIGHT of THE PEOPLE to FREE SPEECH.

Not to be outdone, you continued to violate the people’s rights under the 9th, 10th, and 26th Amendments to the Constitution.

Even the voting process used was illegal. According to the official record of the proceedings, the motion made by Supervisor Briggs was seconded by Supervisor Veerkamp, quote, “for discussion”. This was repeated by Supervisor Santiago, quote, “a motion and a second for discussion.” No further second was requested or received; therefore the vote on the item was illegal. The motion by Mr. Briggs was not properly seconded for voting and is NOT BINDING on the Board or the citizens of this County.

Code of Ethics # 1, 2, 5, 8, 9, 11, 12

This is your opportunity to correct your grievous errors. Since last weeks vote was illegal, you can correct the record and vote on it again today. All it takes is the will to do the right thing and provide the citizens of this County EQUAL JUSTICE for ALL, not special favors for some.

Everyone I have talked to about this – and I have talked to several – have lost complete faith in our government. Is that what you want? You ignored Chris Payne last week, who pointed out on Item 4 that it may actually be illegal to pass that resolution, that it was certainly not transparent, and that a two week stay to fix things up would go a long way to building trust in the process. Instead of thanking him and granting the stay, you ignored his concerns and those of the public and passed it anyway...completely illegal as far as I'm concerned.

Few people have the chance to reverse the violation of so many Constitutional rights while beginning the work of rebuilding confidence in government. You have that chance today. I ask that you take this chance while it exists, fleeting as it may be, to restore some vestige of faith in local government. It may be the last chance you have to restore your reputations.

Reconsider your actions on Item 28 last week. Vote properly and this time place it on the ballot for November 2014 for the people to decide, just like you have for all of the other ballot measures that have come before you. EQUAL JUSTICE FOR ALL is demanded by our US Constitution and your oath of office. Do this by calling the special meeting per procedures as described by Lori Parlin.

Honor your word, your oath, and your Country. Start now. OR by putting it on the agenda today as described by counsel earlier.

Mallone

Attachments (1):

1. This consent/agenda comment document
2. Email, Sunday August 3, 2014, History of Prop 2 – Restore Measure Y
3. Transcript of BOS Item 28, July 29, 2014
4. Email, Sunday August 3, 2014, list of violated Constitutional Amendments
5. REFERENCE Code of Ethics online, County of El Dorado New Hire Packet

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Mark

From: Mark [REDACTED]
Sent: Sunday, August 03, 2014 8:37 PM
To: Mark E Smith
Subject: History of Prop 2- Restore Measure Y
Follow Up Flag: Follow up
Flag Status: Red

Detailed History of Events

- April 25, 2014 - Local Voter Control in El Dorado County published a Press Release stating that they were demanding that the El Dorado County Sheriff and District Attorney take action to address complaints from citizens that the Region Builders' paid signatures gatherers were committing fraud during their signature gathering.
- May 13, 2014 - Members of Local Voter Control in El Dorado County (LVC-EDC) appeared before the Board of Supervisors (BOS) to request that 30-day reports be ordered to help save time in the process to put initiatives on the ballot.
- The request was made because the paid signatures gatherers hired by Region Builders had derailed the local volunteer signature gathering efforts.
- The BOS agreed that the Region Builders paid signature gatherers had negatively impacted the local signature gathering process, and ordered a report to summarize the effects of all the initiatives so that none of the initiatives would be delayed in getting to the ballot. The Board assured the public that we should continue collecting signatures and that they would not do anything to impede us from getting our initiatives to the ballot.
- June 10, 2014 - The BOS received certification of the signatures gathered by Rural Communities United and Region Builders and voted to put both of the initiatives on the ballot without ordering an additional 30-day report. Members of LVC-EDC asked for clarification to ensure that the summary report on all of the initiatives was still in progress so that the LVC-EDC initiatives would not be delayed when their signatures were presented to the BOS for certification.
- The BOS assured the public that the summary report on all of the initiatives was still in progress and the timeline toward getting signatures certified was still on track.
- July 22, 2014 - County Counsel asked the BOS for more time to complete the summary report on all of the initiatives. Members of LVC-EDC again asked for clarification that the summary report was still in progress and that the extension to complete it by August 26th would not impede getting the LVC-EDC petitions on the November ballot.
- July 29, 2014 - The two initiatives circulated for signatures by LVC-EDC were brought before the BOS to receive the certification of signatures and put the initiatives on the ballot. Despite all previous assurances by the Board that they would not impede the process of putting the initiatives on the ballot, the BOS ordered a 30-day report on the Reinstate Measure Y initiative. Since there is not enough time to complete a 30-day report before the August 8, 2014 deadline, ordering the 30-day report, in effect, impedes the initiative from getting on the November 2014 ballot.

Transcript of Board of Supervisors Item 28, July 29 2014
"Restore Measure Y" Ballot Initiative

6:26:05 Briggs "I move to send out for 30 day review."

6:26:18 Santiago "Is there a second?"

6:26:20 Veerkamp "I'll second it for discussion."

6:26:24 Santiago "A motion and a second for discussion."

(Santiago and County Counsel begin discussion about proposition not really restoring measure Y, other Supervisors discuss briefly)

6:31:10 Santiago "I will not support the motion"

6:32:58 Veerkamp (lip service to petition gatherers and signers, invokes unknown "others" who have called...the silent 100,000 vs. the known 10,000).

6:36:00 Santiago (reads motion verifying option C kills proposition for 2014 and puts it off until 2016 or unknown special election. Calls for vote and votes NO. Measure passes 3 yes, 1 no. "Restore Measure Y" is effectively killed)

Summary: According to the above transcript of the proceedings, the BOS voted on a motion that was seconded for discussion purposes only.

Veerkamp specifically stated his second was for discussion, and Santiago repeated that the second was for discussion on the record. Santiago should have asked for a second on the motion for voting purposes. She may not have received one, given all of the public comment to "let the people decide, with only two biased authors of the competing "blue" proposition, Bill Center and Jim Moore in the audience in opposition, who asked for option C in the first place.

"Blue" petition author Bill Center had to use paid signature providers who lied about their proposition to get enough signatures to qualify. The Board of Supervisors knows this. Yet, they took the word of this one person over that of 10,000 volunteers and signatories.

Other interesting quotes from Supervisors include:

6:20:30 Santiago crushes Sue Taylor's attempt at debate

6:21:40 Briggs "Don't disregard the process, guys."

Mark

From: Mark [REDACTED]
Sent: Sunday, August 03, 2014 8:43 PM
To: Mark E Smith
Subject: [REDACTED]

With correction

From: Mark [REDACTED]
Sent: Thursday, July 31, 2014 4:45 PM
To: [REDACTED]
Subject: [REDACTED]

Greetings:

I believe that on Tuesday July 29th 2014, the El Dorado County Board of Supervisors has violated our rights in the following ways:

1st Amendment: right of THE PEOPLE to free speech

1st Amendment: right of THE PEOPLE to petition the government for redress of greivences

9th Amendment: other rights retained by THE PEOPLE

10th Amendment: powers...are reserved to the states respectively, or THE PEOPLE

14th Amendment, section 1: nor deny to any person with its jurisdiction the EQUAL PROTECTION OF THE LAWS

26th Amendment: the right of citizens...who are 18 years of age or older...to vote shall not be DENIED OR ABRIDGED by the United States or any State on account of age

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