

PC 8/24A7



Charlene Tim <charlene.tim@edcgov.us>

21 pages

Fwd: Villa Florentina 3/23 SUP Revocation process

Planning Department <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>

Thu, Mar 30, 2017 at 8:06 AM

Please see email.

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

From: **Melody Lane** <melody.lane@reagan.com>
Date: Wed, Mar 29, 2017 at 8:24 PM
Subject: RE: Villa Florentina 3/23 SUP Revocation process
To: Michael Ranalli <michael.ranalli@edcgov.us>, shiva.frentzen@edcgov.us
Cc: brian.veerkamp@edcgov.us, sue.novasel@edcgov.us, john.hidahl@edcgov.us, Donald Ashton <don.ashton@edcgov.us>, Jim Mitrison <jim.mitrison@edcgov.us>, James Williams <james.williams@edcgov.us>, gary.miller@edcgov.us, jeff.haberman@edcgov.us, jeff.hansen@edcgov.us, brian.shinault@edcgov.us, planning@edcgov.us, Roger Trout <roger.trout@edcgov.us>, Roger Niello <roger.niello@edcgov.us>

Supervisors Frentzen and Ranalli,

Please refer to the attached and ensure the entirety of this correspondence is posted to Public Comments for the Villa Florentina SUP scheduled for the August Planning Commission hearing.

Additionally, your response is anticipated to the enclosed justification and request to schedule on the BOS calendar the appeal and reversal of the Planning Commission's 3/23/17 approval of the RMP Implementation/Annual Update.

Thank you for your anticipated cooperation and prompt response.

Melody Lane

Founder – Compass2Truth

"It is not what a lawyer tells me I may do; but what humanity, reason, and justice tell me I ought to do. ~ Edmund Burke, Second Speech on Conciliation, 1775 ~

From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Tuesday, March 28, 2017 8:39 AM
To: 'James Williams'; 'gary.miller@edcgov.us'; 'jeff.haberman@edcgov.us'; 'jeff.hansen@edcgov.us';

5/5/2017

Edcgov.us Mail - Fwd: Villa Florentina 3/23 SUP Revocation process

'brian.shinault@edcgov.us'; Michael Ranalli; shiva.frentzen@edcgov.us
Cc: brian.veerkamp@edcgov.us; sue.novasel@edcgov.us; john.hidahl@edcgov.us; 'Donald Ashton'; Jim Mitrison (jim.mitrison@edcgov.us)
Subject: RE: Villa Florentina 3/23 SUP Revocation process

Dear Commissioners and Supervisors Frentzen & Ranalli,

Prior to the 3/23/17 Planning Commission hearings I received a phone call from Commissioner James Williams regarding justification for my request to pull Item #2 – RMP Update from Consent. In the course of our conversation I mentioned perpetual RMP inconsistencies and deviation from due process as required by law. I also specifically requested the Commission publicly require Roger Trout to produce a written "3 Strikes" SUP policy.

Explaining to Commissioner Williams that since our 8/3/16 meeting with Don Ashton, Supervisor Ranalli and Roger Trout several verbal and written requests had been made for the 3 strikes policy, but Roger has remained unresponsive. Finally it became necessary for another District #4 constituent to submit a written CPRA requesting a copy of the 3 Strikes SUP policy as we had discussed during our meeting last August. However the request for the written 3 strikes policy was never made during the Thursday hearing by any of the commissioners. Additionally I was concerned about some comments Roger Trout had made and Char Tim's reluctance to accept documents into the public record when I presented them to her.

Neighbors were concerned by the manner in which the 3/23/17 Planning Commission was conducted and misrepresented by the media. Therefore I reached out to James Williams to inquire about his perspective. He was very cooperative, but I also wished to personally speak with Commissioner Gary Miller about his conduct and apparent discriminating behavior during the hearing that mimicked former Supervisor Ron Mikulaco. Mr. Williams conveyed my message to Mr. Miller. Yesterday afternoon I received a phone call from Gary which was very disturbing.

Almost immediately Commissioner Miller developed an arrogant and disrespectful attitude, becoming argumentative and very unreasonable. When I referred to specific documents I'd submitted, there seemed to be a disconnect in our communication. He claimed to have read the materials, but argued the validity of the evidence I'd submitted into the record. The conversation was going nowhere fast so I politely terminated the phone call.

Afterwards I more closely examined the documents on the Planning Commission Agenda Items #2 & #5. The cover emails I'd submitted were posted, but not all the attached documents were included on the government website. I called James Williams to discuss my discovery of the missing documents and the apparent communication breakdown. No wonder there was such a disconnect, but the question remains what happened to the documents, honest services and due process?

The Board needs to look into this discrepancy and take remedial action concerning the RMP Update status and the public's denial of due process in the 3 strikes policy for Villa Florentina.

Thank you for your prompt attention to this matter.

Melody Lane

Founder – Compass2Truth

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

https://mail.google.com/mail/u/0/?ui=2&ik=b9650658cf&view=of2_mae=15b160bc04c6fd42&cc=chrisbox&siml=15b160bc04c6fd4

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17-0278 Public Comment
PC Rcvd 03-30-17

From: James Williams [mailto:james.williams@edcgov.us]
Sent: Sunday, March 26, 2017 7:54 PM
To: Melody Lane
Subject: Re: Villa Florentina 3/23 SUP Revocation process

Hi Melody,

I was just going to call you. Interesting how that keeps happening... I spoke with Commissioner Miller a little bit ago and he said that he has your contact information and will reach out to you in the next few days. I verified the phone number that he had and it is correct.

I will review the information you have just provided and thank you again for taking the time to speak to me.

Thanks,
James

On Sun, Mar 26, 2017 at 7:48 PM Melody Lane <melody.lane@reagan.com> wrote:

Hi James,

Thanks for your phone call today. I appreciate that you took the initiative to reach out about our concerns stemming from the 3/23 Villa Florentina SUP hearing.

As I mentioned, attached is the Mikulaco notarized Declaration & Affidavit which is now a public record. Note the similar discrimination and violations of the Brown Act witnessed during Thursday's Planning Commission hearings involving Adam Anderson's SUP revocation, RMAC and the River Management Plan. You may also find this link to the Channel 13 PR stunt orchestrated by Adam Anderson to be of interest that Bob & Donna Smay mentioned during one of the breaks: <http://sacramento.cbslocal.com/tag/villa-florentina/>




I look forward to hearing from you soon whether Gary Miller is willing to share his phone number and speak with me about his perspective on this matter.

Melody Lane

Founder – Compass2Truth

~ By identifying the people's sovereign will not with its latest but its oldest expression, the Framers succeeded in identifying the people's authority with the Constitution, not with the statutory law made by their representatives. ~

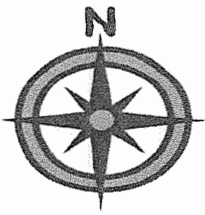
3 attachments

-  **RMP Villa Florentina SUP 3-29-17.pdf**
1871K
-  **Villa Florentina SUP 3-27-17 MD.doc**
315K
-  **Mikulaco Affidavit Ltr .pdf**

5/5/2017

Edcgov.us Mail - Fwd: Villa Florentina 3/23 SUP Revocation process

4646K



Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

March 29, 2017

TO: District #4 Supervisor Mike Ranalli
District #2 Supervisor Shiva Frentzen

CC: EDC Planning Commissioners
CAO Don Ashton
Supervisor Brian Veerkamp
Supervisor Sue Novasel
Supervisor John Hidahl

RE: 3/23/17 Planning Commission Hearing – RMP & Villa Florentina

Dear Supervisors Frentzen & Ranalli,

Please ensure the entirety of this correspondence is posted to Public Comments for Villa Florentina SUP scheduled for the August Planning Commission hearing. The following comments apply to the 3/23/17 Planning Commission Consent Item #2 – RMP Update & Implementation, and Item #5 – Villa Florentina SUP hearing:

Note I did not address Mike Ciccozzi during the 3/28/17 Open Forum. My purpose in specifically addressing Supervisor Ranalli and Chair Frentzen was to briefly dialog, as permitted under the Brown Act, and receive a public response as to scheduling the item on the BOS calendar for public dialog and remedial action by the BOS.

Refer to the Brown Act § 54954.2(a) and § 54954.3 (c) which state in part,

*“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...These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such prohibition promoted discussion artificially geared toward praising and maintaining the status quo, thereby foreclosing meaningful public dialog... 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.**”*

Additionally, based upon the BOS knowledge of falsified data submitted by Parks & Recreation staff member Noah Rucker-Triplet and CSD Director Roger Trout, and the subsequent denial of the public’s due process, I

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also submit this request to **appeal and reverse the 3/23/17 Planning Commission Consent Item #2** unanimous vote to:

- 1) Approve 2016 Annual Report to implementation of RMP; and
- 2) Recommend continued implementation of the River Management Plan as currently prescribed

Prior to the hearing sufficient evidence was submitted for the #5 Villa Florentina SUP and request to pull from Consent Item #2 RMP Update. Apparently those materials were not read by the commissioners or properly posted to the government website. My records indicate one of the emails I had submitted was NOT posted to #5 Villa Florentina SUP. Lucky I had those materials with me which I presented three times to Char Tim during the hearing before she finally accepted them into the public record. ***Also significantly omitted was Adam Anderson's power point presentation that falsely targeted my home as a "noise hot spot" on a map of the river.***

You, our elected officials, are responsible to deal directly and transparently with the constituents whom you profess to serve. *Counsel has no authority whatsoever to respond on behalf of the BOS or any other EDC employee, nor is it appropriate for Counsel to give his opinion and/or interpretation of the law.* Mike Ciccozzi's comment to post missing documents *after the public hearing* is a typical form of discrimination artificially geared toward praising and maintaining the status quo, thus ***denying the public their right to due process.*** As such Mike Ciccozzi's reply was unacceptable.

Adam Anderson is not an exception to the law or any of the RMP restrictions in the Quiet Zone of the S. Fork American River. Adam has an apparent conflict of interest with RMAC, and in the presence of Supervisor Ranalli, Adam has proven his lack of integrity. Mr. Anderson has abused the authority delegated to him by you, the entire Board of Supervisors.

Furthermore, The Mountain Democrat article was a blatant misrepresentation of the 3/23/17 Planning Commission hearing orchestrated by the Chamber Political Action Committee (CPAC). Commission Chairman Gary Miller turned the Villa Florentina hearing into a biased kangaroo courtroom. The Channel 13 public relations stunt, plus special considerations given to Adam during the 3/21 BOS Open Forum, perpetrated sympathy and certainly generated profitable revenues in support of his plight.

<http://sacramento.cbslocal.com/tag/villa-florentina/>

Supervisor Frentzen, you especially need to be aware that District #2 Commissioner Gary Miller violated the Brown Act in addition to being discriminatory, disrespectful and arrogant during the 3/23/17 Commission hearing. I was the *only person whom he harassed*, demonstrating exactly the same unacceptable behavior as Ron Mikulaco while he was Chairman of the BOS. Gary's mocking attitude while we spoke Tuesday evening was bizarre, abrasive and unreasonable. This is just a sampling of some of his comments when I questioned his voting rationale and unprofessional conduct during the hearing:

"I don't really need to explain to you what I did...I don't need to justify myself to you. You get what I give you!...I suggest you make a complaint to the BOS & have me removed. That would break my heart!...There isn't a 3 strikes policy! I know there's no such policy!...There is nothing in the Brown Act that says you can talk 3 or 5 minutes. One of the unique things about being a Chairman is you don't get to tell me what I can do!...Sounds like you are threatening to take me to court...County Council was right there. I assure you, that if I was in violation of the Brown Act he would have said something."

It is troubling that Commissioner Miller remarked about his fear of being sued. Similar comments were made by Kim Kulton during the February 15th CL Fire Safe Council. Some of the same community members at the CL FSC meeting addressed the 3/23/17 Planning Commission hearing as mentioned in the Mtn. Democrat

article concerning the Villa Florentina SUP. This is an issue that Supervisor Ranalli and Roger Trout have taken great pains to avoid addressing, particularly as it involves the RMP, SUP violations, Code & Law Enforcement, and related public safety issues in Coloma.

Comments made by Roger Trout during the Villa Florentina hearing raised several red flags, particularly his evident reluctance to respond to numerous requests for the written "3-strikes" Special Use Policy. How can a policy be enforced if it doesn't even exist?

Over the years we had met with Roger Trout, Sheriff D'Agostini, Supervisor Ranalli, Supervisor Briggs, Don Ashton and County Counsel on several occasions to discuss the 3 strikes policy and related code and law enforcement matters. However all meetings proved to be exercises in futility primarily because Roger Trout and Supervisor Ranalli remained unresponsive to constituent concerns about SUP enforcement affecting the entirety of El Dorado County.

Finally a District #4 constituent who couldn't be present for the hearing submitted a CPRA for the 3 strikes policy. It wasn't until 3/28/17 that I received the following response to the CPRA:

There are no records responsive to your request. I phoned the Planning Department to learn more and was informed the reference to "1, 2, 3" was made by an applicant and restated by Mr. Trout regarding steps taken to address a use permit issue. You may want to contact Mr. Trout for additional information.

Thank you,
Jim Mitrisin
Clerk of the Board

Special Use Permits are a major component of the RMP, particularly restrictions put upon business establishments within the Quiet Zone of the S. Fork American River.

During the hearing when District #4 Commissioner James Williams addressed concerns discussed prior to the hearing, Noah Rucker-Triplett made some disturbing comments and revealing admissions concerning the River Management Plan. Noah stated RMAC isn't required to respond to the public, nor had the RMAC held any meetings since the Annual November 2016 RMAC. That meeting was in reality less than 25 minutes in duration with only three members of the public present, me included. Additionally there was no Annual RMP Update submitted to the Planning Commission for the year 2015.

Commissioner Williams made the astute observation that the RMAC can't advise the BOS if they aren't meeting or the RMAC issues aren't publicly vetted. However Chairman Miller recommended approval of the RMP as submitted by staff. Subsequently the Commission unanimously approved the RMP despite the apparent discrepancies which had been brought to their attention. Apparently the facts didn't matter; business as usual. Thus the public was denied due process in violation of the Brown Act and legal mandates within the RMP.

The BOS has been made aware of the frequent RMP violations and safety aspects affecting the quality of life for river residents within District #4. Yet your failure to effectively address and remedy these issues is dereliction of duty making you complicit in their perpetuation.

Accordingly, you've been reminded on more than one occasion of AB1234 Mandatory Ethics Training for Public Officials, wherein it states in part:

- The law provides only minimum standards for ethical conduct. Just because a course of action is legal, doesn't make it ethical/what one ought to do.

- Because of the breadth of federal anticorruption law, avoid any temptation to walk closely to the line that divides legal from illegal conduct under state law. Even though a course of action may be *lawful* under the state law, it may not be lawful under federal law.
- Conduct the public's business in open and publicized meetings, except for the limited circumstances when the law allows closed sessions.
- Allow the public to participate in meeting, listening to the public's views before decisions are made.
- Cannot retaliate against those who whistle-blow.
- Must conduct public hearings in accordance with due process principles.
- The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.
- Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.
- Violating the conflict of interest laws could lead to monetary fines and criminal penalties for public officials. *Don't take that risk.*

Included as an attachment is the Ron Mikulaco Declaration-Affidavit referenced above. It should serve as a wake-up call to all public officials to take their Constitutional Oaths seriously. Don't forget, you work for us.

In anticipation of your cooperation and in accordance with Constitutional principles I look forward to your prompt response.

Sincerely,



Melody Lane
Founder – **Compass2Truth**

Attachments:

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

<http://www.mtdemocrat.com/news/villa-florentina-gets-reprieve/>



The owners of Villa Florentina in Coloma are currently at odds with the surrounding community when it comes to the facilities outdoor events and reported noise. Democrat file photo by Shelly Thorene

News

Villa Florentina gets reprieve

By Dawn Hodson

From page A1 | March 27, 2017

Villa Florentina got a temporary reprieve from the El Dorado County Planning Commission on March 23 after it put off deciding whether a future hearing should be held to either modify or revoke the business's special use permit.

There to persuade the commission members one way or another was a large audience consisting of frustrated neighbors of the Coloma based bed and breakfast and event center as well as supporters from the business community.

Villa Florentina currently has permission for up to 189 guests and a maximum of 20 events per calendar year. Events are limited to the months of April through October and can only be held from 9 a.m. to 9:30 p.m.

Adam and Angela Anderson are the owners and have been running it for a year after having bought it in 2015 from another owner who also ran it as a bed and breakfast.

Planning staff noted that since May of 2016 they had received multiple complaints from neighbors regarding violations of the special use permit. The complaints include excessive noise, incorrect location of sound systems, operation outside of the allowed hours and the location of special event activities.

In response, Villa Florentina was sent three letters last year informing the owners that they weren't in compliance. Roger Trout, Development Services Division director, said the department has a three strike policy which is why the item was before the commission.

The Andersons submitted an application to revise the existing special use permit and increase the bed and breakfast from three guest rooms to four; add additional non-amplified events per year, in addition to the

20 amplified events currently approved; extend the event use to year round; allow use of a microphone and amplifier on the ceremony lawn for wedding ceremonies limited to one half hour; add "health and wellness resort" to the business description to accommodate special health and wellness events and extend the hours for amplified noise to 10 p.m. on weekends during daylight savings time.

Making his case, Adam Anderson said in response to complaints, he had blackballed disc jockeys who didn't follow the conditions of the use permit and hired a professional acoustic engineering firm to determine the sound level put out by the speakers used at events.

He now bans the amplification of ceremonies on the lawn area and said he is continuing to work on being in compliance. At the same time, he pointed out his events are the only ones required to shut down by 9:30 p.m. while surrounding businesses aren't.

Responding to Anderson were a large number of neighbors who complained of the amplified music, noisy crowds and traffic from events at the business.

One of those was Robin Smay who lives immediately north of Villa Florentina. She hired her own sound consultant to do a study of an event and found the noise levels exceeded the maximum level allowed by the county for almost the entirety of the event. She also supplied a detailed log of the noise levels during different events. Exchanging frequent emails with Anderson about the issue, she said he made apologies and promises but those went unfulfilled.

Paul Bollard, the acoustical consultant hired by Smay, was also in the audience. He testified there were consistent violations of the county noise ordinance and at times the noise was 20 decibels over the permitted level.

Bob Day, a resident who said he lives even further away – 1.57 miles by his calculations – also complained of the loud music. In addition he worried what would happen in the event of a fire as everyone would have to use the Mount Murphy Bridge.

Suzie Matin, a State Park peace officer at Marshall Gold Discovery Park, submitted her comments in an email to the planning department. She wrote, "On many occasions while on closing patrol or getting ready to go home I could hear music coming from Villa Florentina. In the summer season I usually work until 2100 hours ... Most of the time, the music and DJ were so loud that I could sing along with the music and clearly hear every word the DJ said. On one occasion I heard the DJ say, "They are saying we are too loud. So let me hear everyone scream!"

Matin added that on more than one occasion, wedding parties at the facility would take photos on park property or on the Mount Murphy Bridge. She noted commercial photography at the park is prohibited unless a permit is obtained. "Villa Florentina said that they advise their groups that they may not use park property but I have personally seen them bring people over to park property in their golf cart. When they photograph on the bridge they are impeding traffic on a public roadway."

A different email complaint from Katherine Anders called Villa Florentina a neighborhood nuisance. "The noise level is completely out of hand," she wrote. "The windows in my house vibrate from the noise when they are having an event. It even disturbs the animals – my dogs start crawling under my bed during events. It is extremely annoying and nerve-wracking."

However, the Andersons also had their defenders. A woman whose daughter was married at Villa Florentina said they did everything they could to keep the noise level down.

Laurel Brent-Bumb, CEO of the El Dorado County Chamber of Commerce, said the county is becoming a major tourism-recreation destination and businesses like Villa Florentina are an important part of the

local economy. Saying the Andersons are still new at the business, she went on to say that Adam wants to be a good neighbor and also complimented him for how active he is in the community.

Alisyn Gularte, the marketing director for the Placerville Downtown Association, echoed those comments, calling the business an economic catalyst for the county.

Sandy Stringer, a wedding planner said in an email, "For all the time that I have known the owner Adam Anderson I have found him to be considerate and committed to our community ... Villa Florentina is an asset to our community and should be allowed to continue to operate under their current permit. Adam runs a good business and provides great value to his guests and to the county."

Other people who do business with the Andersons spoke favorably of his consideration and of the benefit and revenue he brings to the county in addition to how his company generates revenues for local businesses such as dress and flower shops.

However, despite the praise, Gary Miller, Chair of the Planning Commission, reiterated the staff finding that the original SUP had been violated. At the same time, he said he wanted to try to come up with a plan that would work, adding he didn't want to run the Andersons out of business.

In response, Anderson said he would have a sound survey conducted of four events, saying he hoped it would provide a solution to the noise issue. He also promised to keep guests off the bridge. However, he asked that they be able to continue to hold ceremonies and receptions on the lawn area as they had already booked 15 weddings and there was no other place to hold them.

The commission then voted unanimously to continue the hearing to Aug. 24. By that time the sound study and staff analysis should be completed. At that time the commission will decide if a hearing to revoke or modify the SUP will be held.

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

January 10, 2017

Ron M. Mikulaco
1840 Green Valley Road
El Dorado Hills, CA 95762

AFFIDAVIT/DECLARATION OF TRUTH

Dear Mr. Mikulaco,

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 swear, under oath, that I am of legal age and of sound mind and hereby attest that the information contained in this Affidavit/Declaration is true and correct.

This Affidavit/Declaration of Truth is lawful notification to you, and is hereby made and sent to you pursuant to the Federal 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 fact, valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection or that of those who represent you.

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

On November 23, 2016, Supervisor Ron Mikulaco was sent via USPS certified mail, a letter, which recounted events witnessed during the November 15, 2016 Board of Supervisors meeting. That letter was sent to inform you of these events and statements made by you, and also as an inquiry to ascertain whether Ron Mikulaco, as Chairman of the EDC Board of Supervisors, support and uphold them or would rebut them.

Pursuant to the lawful notification contained in that letter, as originally stated in my November 23, 2016 letter, and cited and included by reference, you were required to respond to and rebut anything contained in the attached November 23rd letter with which you disagreed, within thirty (30) days of receipt thereof.

You failed to respond to that letter and thereby failed to rebut anything stated therein. 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 or that of those who represent you.

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

1. During the November 15, 2016 meeting of the Board of Supervisors (BOS), specifically Item #34 – Public Record Act Requests, I addressed the Board regarding frequent violations of the Brown Act, PRA requests and freedom of speech. No one answered, and it was clear by the expressions on the faces of the Board members that they were reluctant to directly answer my inquiries. I persisted several more times and, finally, Chairman Ron Mikulaco directed CAO Don Ashton to shut off the microphone.
2. As Chairman, Ron Mikulaco's history of behavior clearly revealed the Board has no genuine interest whatsoever in the people, their concerns and comments, or the EDC vision and mission statements which allegedly exists to protect and serve the citizens. No response was forthcoming from the Board, but their silence and abrupt exit from the room without adjournment or announcement made it extremely clear to the audience that this meeting, like many others, was a joke, a farce and a fraud, giving the *appearance* of concern for the people, but delivering nothing of substance.
3. When the Board intentionally deprives and/or ignores the comments and concerns of the people, this directly contradicts Brown Act and the statements made on the El Dorado County government website regarding its alleged great concern for its "customers". This is additional factual evidence of misrepresentation, hypocrisy, and fraud by an official agency of the government. The BOS has no authority to defraud the public.
4. During the referenced meeting, as well as on several other occasions, I clearly stated that the Constitutions, federal and state, are the Supreme Law of the Land and of this state and clearly supersede any lesser laws, ordinances, regulations, statutes, rules, codes and policies, including the ones upon which the County alleges to rely. A statute either supports and upholds the Constitutions, or opposes and violates them, and the due process of law and rights guaranteed therein. When a statute does not comply with the Constitutions, that statute is null and void and of no lawful force and effect whatsoever.
5. It has also been clearly stated both publicly and in writing that the BOS have taken oaths to support the federal and state Constitutions, must abide by their oaths in

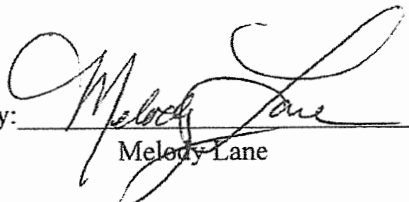
the performance of their official duties and have no constitutional authority to oppose the very documents to which they swore or affirmed their oaths. No member of the BOS has rebutted these positions or anything else previously stated.

6. Despite written requests to pull items from the Consent calendar for public discussion, said requests to due process for the people's business have been flatly denied. On several occasions during your tenure constituents have waited literally hours to speak at BOS meetings only to leave in utter frustration when it became apparent that your excessive pontifications and interruptions would supersede the public's limited time restraints and opportunity to address items on the BOS agenda.
7. The refusal by the BOS to engage in open, meaningful dialogue with the people for whom they allegedly work is a blatant disgrace and demonstrates additional fraud upon the people of El Dorado County. A rational, reasonable observer could factually conclude that EDC officers/employees have no constitutional authority to oppose the Constitutions and to betray the people by their fraudulent, irresponsible actions, which have irreparably harmed EDC citizens to whom the organizational chart clearly indicates the BOS are held accountable.

Lawful notification has been provided to you stating that if you do not rebut the statements, charges and averments made in this Affidavit/Declaration, then, you agree with and admit to them. Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut that with which you disagree, with particularity, within thirty (30) days of receipt thereof, by means of your own written, sworn, notarized affidavit of truth, based on specific, relevant fact and valid law to support your disagreement, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the laws of the United States of America and this state of California. An un-rebutted affidavit stands as truth 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 Ron Mikulaco and each of the Board of Supervisors in any court of law in America, without your protest, objection or that of those who represent you.

All Rights Reserved,

By:  Date: 1/11/17
Melody Lane

CC: Supervisors Michael Ranalli, Sue Novasel, Brian Veerkamp and Shiva Frentzen

see attached CA Jurat₃
SK JAN 11 2017

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)

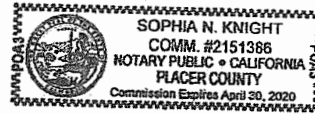
Subscribed and sworn to (or affirmed) before me on this 11th day of January, 2017
Date Month Year

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/Declaration of truth

Document Date: 1/11/2017

Number of Pages: 3

Signer(s) Other Than Named Above: _____

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

November 23, 2016

Supervisor Ron Mikulaco, Dist. #1
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Supervisor Ron Mikulaco,

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, IV, V, VI, VII, IX and X, and the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1.

This letter requires your written rebuttal to me, specific to each claim, statement and averment made herein, within 30 days of the date of this letter, using fact, valid law and evidence to support your rebuttal.

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

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

Since America and California are both Constitutional Republics, not democracies, they are required to operate under the Rule of Law, and not the rule of man. The Supreme Law and superseding authority in this nation is the national Constitution, as declared in Article VI of that document. In Article IV, Section 4 of that Constitution, every state is guaranteed a republican form of government. Any "laws", rules, regulations, codes and policies which conflict with, contradict, oppose and violate the national and state Constitutions are null and void, *ab initio*. It is a fact that your oath requires you to support the national and state Constitutions and the rights of the people secured therein.

All public officers are required to abide by their oaths in the performance of their official duties. 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 conducted in the performance of their official duties either support the national and state Constitutions, or deny them. It is that simple.

In order for America to survive as a Constitutional Republic, it is imperative that all aspects of government, including you, all other members of the Board of Supervisors and El Dorado County public officers, abide by all Constitutional requirements while conducting your official duties. When you and other public officers violate the Constitutions, at will, as an apparent custom, practice and policy of office, you and they subvert the authority, mandates and protection of the Constitutions, thereby act as domestic enemies to these Republics and their people. When large numbers of public officers so act, this reduces America, California and the County of El Dorado to the status of frauds operating for the benefit of governments and their corporate allies, and not for the people they theoretically serve.

You swore an oath to uphold and support the Constitution of the United States of America, and pursuant to your oath, you are required to abide by that oath in the performance of your official duties. You have no Constitutional or other valid authority to defy the Constitution, to which you owe your LIMITED authority, delegated to you by and through the People, and to which you swore your oath. Yet, by your actions against me, committed repeatedly on several occasions, and specifically on November 15, 2016, by which you argued, interrupted, made faces and censored me before motioning for CAO Don Ashton to shut off the microphone, thereby depriving me and other members of the public their right to testify and address public officers relevant to the Public Record Act agenda item #34 being discussed.

On November 15, 2016 during Open Forum you repeatedly interrupted me, thus denying my right to provide public testimony, specifically regarding issues of El Dorado County corruption, issues every citizen has a right and need to know. (See attached transcript handed to the Clerk of the Board and entered into the public record.)

During the same Board of Supervisors meeting, specifically Agenda Item #30 - 16-059 HEARING, you again repeatedly interrupted Henry Batsel and me, admonishing

us, in your opinion, for hostile attitudes while we attempted to provide public testimony and bring to the attention of the entire Board your blatant violations of the Ralph M. Brown Act and our 1st Amendment rights. (See #30 –16-0959 HEARING – *Community Development Agency, Administration and Finance Division, recommending the Board: 1) Receive and file the Traffic Impact Mitigation Fee Program Annual Report for Fiscal Year 2015/16, and 2) Adopt and authorize the Chair to sign Resolution 186-2016 making certain findings as required under the Mitigation Fee Act (Cal. Gov. Code §66000 et. seq.) related to the development impact mitigation fee collected by the County for the Fiscal Year 2011/12 through Fiscal Year 2015/16 Traffic Impact Mitigation Fee Program.*)

Again on the same date, you deprived me of my rights while providing public testimony during Agenda Item #31. It is apparent the public's input has been reduced to irrelevancy by how the Board votes unanimously, thereby demonstrating that public meetings are little more than dog and pony shows with predetermined outcomes designed to falsely give the public the impression of government transparency and accountability. (See #31 - 16-0963 *Community Development Agency, Transportation Division, recommending the Board: 1) Receive a presentation on Assembly Bill 2355 and Public Resources Code Section 42704.5 regarding the use of paving materials with recycled products; 2) Authorize the Community Development Agency to comply with Public Resources Code Section 42704.5(b) to limit the use of recycled content to 15% in paving materials and 0% in shoulder backing; and 3) Authorize the Community Development Agency Director, upon recommendation from Transportation staff, to approve an increase up to 25% recycled materials once current performance issues are resolved by the California Department of Transportation or when performing work on a State maintained road.*)

You perjured your oath by violating my Constitutionally guaranteed Rights, in particular those secured in the Bill of Rights, including but not limited to my 1st Amendment Rights. 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. When handed a copy of the Ralph M. Brown Act and portions which I read from into the public record, you defiantly remarked, "I'll read it later."

The Preamble of the Ralph M. Brown Act states:

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

It further 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.

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).)"

Anytime public officers, pursuant to their oaths, violate Rights guaranteed to Citizens in the Constitutions, they act outside their limited delegated authority, thus, perjure their oaths, and by their own actions, invoke the self-executing Sections 3 and 4 of the 14th Amendment; thereby vacate their offices and forfeit all benefits thereof, including salaries and pensions, as you did on November 15, 2016 as well as on several other occasions which are now a matter of public record.

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

If they fail to act and correct the matter, then, they condone, aid and abet your criminal actions, and further, collude and conspire to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business

operation of their office and the jurisdiction for which they work. This constitutes treason by the entire jurisdiction against me, and based upon the actions taken and what exists on the public record, it is impossible for any public officer to defend himself against treason committed. See: 18 USC § 241 - Conspiracy against rights See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Melody Lane". The signature is written in black ink and is positioned above the printed name.

Melody Lane

Attachment: 11/15/16 BOS Transcript entered into the public record

Unfortunately, officials at all levels of government have succeeded in insulating themselves from their constituents through the use of free speech zones, electronic town hall meetings, security barriers, regulations restricting what is said at public meetings, and other tactics that run afoul of the First Amendment's safeguards for free speech, public assembly and the right to petition the government for a redress of grievances. These guidelines are intended to empower citizens to push back against those who would stifle the ardor of citizens, arbitrarily silence critics and impede efforts to assure transparency in government.

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

- 1) 10/11/16 – BOS laughed at Harn's disrespectful comment re: Open Forum EDSO above the law.
- 2) Vern Pierson caught lying at Taxpayers yesterday re: GJ investigation into EDSO operations.
- 3) Ashton, Ranalli, Trout, D'Agostini & Pierson refuse to meet = violation of Constitutional Oaths of Office.
- 4) Al Hamilton threat @Taxpayers – lawyers Constitutional Oaths of Office – Bully tactics & Retaliation encouraged with no fear of reprisal.
- 5) Bernie Brown – Political consultant from Delaware hired by D'Agostini. Investigating computer hacking & identity theft; subsequent CCW denial. See John McGinnis CCW lawsuit handed to Vern Pierson yesterday.
- 6) RMAC lies – Roger Trout/Ranalli/D'Agostini "Come to Jesus Meeting" re: CPRAs, SUPs managed by Liars Club (lawyers).
- 7) CL Fire Safe Council – BLM, American River Conservancy, CA State Parks takeover of American River Corridor = Agenda 21 roll out.

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

- 1) McGinnis CCW lawsuit & 10/11/16 BOS Open Forum transcript
- 2) 11/8/16 @ 9:43 AM email to Judith Kerr, BOS re: Hamilton threat
- 3) 11/14/16 Harn email re: CPRA - CTO salary

5/5/2017

Edcgov.us Mail - Fwd: FW: Your request at the BOS meeting on 3/28/2017....RMP & Villa Florentina SUP



PC 8/24/17

Charlene Tim <charlene.tim@edcgov.us>

6 pages

Fwd: FW: Your request at the BOS meeting on 3/28/2017....RMP & Villa Florentina SUP

Donald Ashton <don.ashton@edcgov.us>

Thu, Mar 30, 2017 at 12:49 PM

To: Roger Trout <roger.trout@edcgov.us>, Char Tim <charlene.tim@edcgov.us>

FYI.

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

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

Date: Thu, Mar 30, 2017 at 12:21 PM

Subject: FW: Your request at the BOS meeting on 3/28/2017....RMP & Villa Florentina SUP

To: Donald Ashton <don.ashton@edcgov.us>, edc.cob@edcgov.us

FYI...

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Thursday, March 30, 2017 12:18 PM

To: 'Shiva Frentzen'

Cc: Michael Ranalli; john.hidahl@edcgov.us; sue.novasel@edcgov.us; brian.veerkamp@edcgov.us; Jim Mitrising; 'James Williams'; gary.miller@edcgov.us; jeff.haberman@edcgov.us; jeff.hansen@edcgov.us;

brian.shinault@edcgov.us; planning@edcgov.us; Roger Trout; Roger Niello; bosfive@edcgov.us; bosfour@edcgov.us;

bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: RE: Your request at the BOS meeting on 3/28/2017....RMP & Villa Florentina SUP

Shiva,

Your reply is unacceptable.

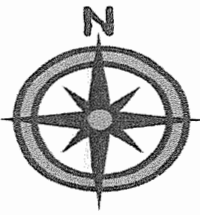
County Counsel is in error. Furthermore Mike Ciccozzi has *no authority* to respond publicly on your behalf such as transpired during Tuesday's Open Forum.

Please refer to the attached letter you should have received yesterday evening.

Melody Lane

Founder – Compass2Truth

"Integrity without knowledge is weak and useless, knowledge without integrity is dangerous and dreadful." — Samuel Johnson, (1709-1784) Rasselas, ch. 41



Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

March 29, 2017

TO: District #4 Supervisor Mike Ranalli
District #2 Supervisor Shiva Frentzen

CC: EDC Planning Commissioners
CAO Don Ashton
Supervisor Brian Veerkamp
Supervisor Sue Novasel
Supervisor John Hidahl

RE: 3/23/17 Planning Commission Hearing – RMP & Villa Florentina

Dear Supervisors Frentzen & Ranalli,

Please ensure the entirety of this correspondence is posted to Public Comments for Villa Florentina SUP scheduled for the August Planning Commission hearing. The following comments apply to the 3/23/17 Planning Commission Consent Item #2 – RMP Update & Implementation, and Item #5 – Villa Florentina SUP hearing:

Note I did not address Mike Ciccozzi during the 3/28/17 Open Forum. My purpose in specifically addressing Supervisor Ranalli and Chair Frentzen was to briefly dialog, as permitted under the Brown Act, and receive a public response as to scheduling the item on the BOS calendar for public dialog and remedial action by the BOS.

Refer to the Brown Act § 54954.2(a) and § 54954.3 (c) which state in part,

*“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...These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such prohibition promoted discussion artificially geared toward praising and maintaining the status quo, **thereby foreclosing meaningful public dialog**... 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.”***

Additionally, based upon the BOS knowledge of falsified data submitted by Parks & Recreation staff member Noah Rucker-Triplet and CSD Director Roger Trout, and the subsequent denial of the public's due process, I

Page 1 of 4

also submit this request to **appeal and reverse the 3/23/17 Planning Commission Consent Item #2** unanimous vote to:

- 1) Approve 2016 Annual Report to implementation of RMP; and
- 2) Recommend continued implementation of the River Management Plan as currently prescribed

Prior to the hearing sufficient evidence was submitted for the #5 Villa Florentina SUP and request to pull from Consent Item #2 RMP Update. Apparently those materials were not read by the commissioners or properly posted to the government website. My records indicate one of the emails I had submitted was NOT posted to #5 Villa Florentina SUP. Lucky I had those materials with me which I presented three times to Char Tim during the hearing before she finally accepted them into the public record. ***Also significantly omitted was Adam Anderson's power point presentation that falsely targeted my home as a "noise hot spot" on a map of the river.***

You, our elected officials, are responsible to deal directly and transparently with the constituents whom you profess to serve. *Counsel has no authority whatsoever to respond on behalf of the BOS or any other EDC employee, nor is it appropriate for Counsel to give his opinion and/or interpretation of the law.* Mike Ciccozzi's comment to post missing documents *after the public hearing* is a typical form of discrimination artificially geared toward praising and maintaining the status quo, thus ***denying the public their right to due process.*** As such Mike Ciccozzi's reply was unacceptable.

Adam Anderson is not an exception to the law or any of the RMP restrictions in the Quiet Zone of the S. Fork American River. Adam has an apparent conflict of interest with RMAC, and in the presence of Supervisor Ranalli, Adam has proven his lack of integrity. Mr. Anderson has abused the authority delegated to him by you, the entire Board of Supervisors.

Furthermore, The Mountain Democrat article was a blatant misrepresentation of the 3/23/17 Planning Commission hearing orchestrated by the Chamber Political Action Committee (CPAC). Commission Chairman Gary Miller turned the Villa Florentina hearing into a biased kangaroo courtroom. The Channel 13 public relations stunt, plus special considerations given to Adam during the 3/21 BOS Open Forum, perpetrated sympathy and certainly generated profitable revenues in support of his plight.
<http://sacramento.cbslocal.com/tag/villa-florentina/>

Supervisor Frentzen, you especially need to be aware that District #2 Commissioner Gary Miller violated the Brown Act in addition to being discriminatory, disrespectful and arrogant during the 3/23/17 Commission hearing. I was the *only person whom he harassed*, demonstrating exactly the same unacceptable behavior as Ron Mikulaco while he was Chairman of the BOS. Gary's mocking attitude while we spoke Tuesday evening was bizarre, abrasive and unreasonable. This is just a sampling of some of his comments when I questioned his voting rationale and unprofessional conduct during the hearing:

"I don't really need to explain to you what I did...I don't need to justify myself to you. You get what I give you!...I suggest you make a complaint to the BOS & have me removed. That would break my heart!...There isn't a 3 strikes policy! I know there's no such policy!...There is nothing in the Brown Act that says you can talk 3 or 5 minutes. One of the unique things about being a Chairman is you don't get to tell me what I can do!...Sounds like you are threatening to take me to court...County Council was right there. I assure you, that if I was in violation of the Brown Act he would have said something."

It is troubling that Commissioner Miller remarked about his fear of being sued. Similar comments were made by Kim Kulton during the February 15th CL Fire Safe Council. Some of the same community members at the CL FSC meeting addressed the 3/23/17 Planning Commission hearing as mentioned in the Mtn. Democrat

article concerning the Villa Florentina SUP. This is an issue that Supervisor Ranalli and Roger Trout have taken great pains to avoid addressing, particularly as it involves the RMP, SUP violations, Code & Law Enforcement, and related public safety issues in Coloma.

Comments made by Roger Trout during the Villa Florentina hearing raised several red flags, particularly his evident reluctance to respond to numerous requests for the written "3-strikes" Special Use Policy. How can a policy be enforced if it doesn't even exist?

Over the years we had met with Roger Trout, Sheriff D'Agostini, Supervisor Ranalli, Supervisor Briggs, Don Ashton and County Counsel on several occasions to discuss the 3 strikes policy and related code and law enforcement matters. However all meetings proved to be exercises in futility primarily because Roger Trout and Supervisor Ranalli remained unresponsive to constituent concerns about SUP enforcement affecting the entirety of El Dorado County.

Finally a District #4 constituent who couldn't be present for the hearing submitted a CPRA for the 3 strikes policy. It wasn't until 3/28/17 that I received the following response to the CPRA:

There are no records responsive to your request. I phoned the Planning Department to learn more and was informed the reference to "1, 2, 3" was made by an applicant and restated by Mr. Trout regarding steps taken to address a use permit issue. You may want to contact Mr. Trout for additional information.

Thank you,
Jim Mitrisin
Clerk of the Board

Special Use Permits are a major component of the RMP, particularly restrictions put upon business establishments within the Quiet Zone of the S. Fork American River.

During the hearing when District #4 Commissioner James Williams addressed concerns discussed prior to the hearing, Noah Rucker-Triplett made some disturbing comments and revealing admissions concerning the River Management Plan. Noah stated RMAC isn't required to respond to the public, nor had the RMAC held any meetings since the Annual November 2016 RMAC. That meeting was in reality less than 25 minutes in duration with only three members of the public present, me included. Additionally there was no Annual RMP Update submitted to the Planning Commission for the year 2015.

Commissioner Williams made the astute observation that the RMAC can't advise the BOS if they aren't meeting or the RMAC issues aren't publicly vetted. However Chairman Miller recommended approval of the RMP as submitted by staff. Subsequently the Commission unanimously approved the RMP despite the apparent discrepancies which had been brought to their attention. Apparently the facts didn't matter; business as usual. Thus the public was denied due process in violation of the Brown Act and legal mandates within the RMP.

The BOS has been made aware of the frequent RMP violations and safety aspects affecting the quality of life for river residents within District #4. Yet your failure to effectively address and remedy these issues is dereliction of duty making you complicit in their perpetuation.

Accordingly, you've been reminded on more than one occasion of AB1234 Mandatory Ethics Training for Public Officials, wherein it states in part:

- The law provides only minimum standards for ethical conduct. Just because a course of action is legal, doesn't make it ethical/what one ought to do.

- Because of the breadth of federal anticorruption law, avoid any temptation to walk closely to the line that divides legal from illegal conduct under state law. Even though a course of action may be lawful under the state law, it may not be lawful under federal law.
- Conduct the public's business in open and publicized meetings, except for the limited circumstances when the law allows closed sessions.
- Allow the public to participate in meeting, listening to the public's views before decisions are made.
- Cannot retaliate against those who whistle-blow.
- Must conduct public hearings in accordance with due process principles.
- The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.
- Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.
- Violating the conflict of interest laws could lead to monetary fines and criminal penalties for public officials. *Don't take that risk.*

Included as an attachment is the Ron Mikulaco Declaration-Affidavit referenced above. It should serve as a wake-up call to all public officials to take their Constitutional Oaths seriously. Don't forget, you work for us.

In anticipation of your cooperation and in accordance with Constitutional principles I look forward to your prompt response.

Sincerely,



Melody Lane
Founder – **Compass2Truth**

Attachments:

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