

7/21/15 OPEN Forum
M. LANE

Mountain Democrat

PLACERVILLE, CALIFORNIA

News

Fireworks are illegal

From page A1 | July 03, 2015

El Dorado County Sheriff's Office

Story Archive

Sheriff John D'Agostini wants to remind everyone that fireworks of any kind are illegal in El Dorado County. Any person caught possessing, transporting, purchasing, selling or even storing fireworks could be cited or arrested and booked into the El Dorado County Jail for violating the misdemeanor county ordinance.

Illegal fireworks in El Dorado County even include sparklers or those sold in Sacramento County as "Safe and Sane." All fireworks will be confiscated as evidence, rendered safe and properly disposed of. Thousands of people, most often children and teens, are injured while using consumer fireworks every 4th of July, according to the National Fire Protection Association. Despite the danger, few people understand or respect the associated risks such as devastating burns, severe injuries to eyes, ears and extremities, structure fires, wildland fires and even death. Yet many who use illegal fireworks do so without fear of repercussions or consequences.

Have a fun and safe holiday weekend in El Dorado County, without the fear of fire or injury. Pyrotechnics can be enjoyed by the whole family at several venues over the weekend. Events are planned at the El Dorado County Fairgrounds, South Lake Tahoe and El Dorado Hills Town Center.

Make your celebration a safe one without endangering yourselves or your neighbors. With dry conditions due to heat and the drought, safety should be paramount for everyone.

If you see others using fireworks, report it to law enforcement immediately. You may be saving someone's life, home, neighborhood or forest lands.

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SWORN AFFIDAVIT

MY NAME IS MELODY LANE. I CURRENTLY RESIDE AT
6771 MT. MURPHY ROAD, COLOMA, CA 95613

BELOW IS MY SWORN AFFADAVIT, THE WRITTEN RECORD OF A
RIVER MANAGEMENT ADVISORY COMMITTEE MEETING (RMAC)
HELD MAY 13, 2010 AT 7:00 PM AT THE LOTUS FIRE HOUSE

THIS AFFIDAVIT WAS COMPLETED ON JUNE 6, 2010 AND NOTARIZED
ON JUNE 7, 2010. IT IS 15 PAGES.

RMAC & EDSO BACKGROUND INFORMATION:

RMAC:

- (1) During 2007 and in 2008 I met with Ron Briggs and County personnel regarding on-going RMAC, Code, and Law Enforcement problems relevant to the Marshall Gold Discovery Park and the River Management Plan. These meetings were audio recorded with witnesses present.
- (2) Fresh blood was needed in RMAC. In February 2008 Supervisor Briggs had asked me to consider an RMAC appointment that would soon be vacant. On January 14, 2009 Supervisor Briggs initiated a phone call appointing me as the "Non-commercial boater" representative to the River Management Advisory Committee. I'd be replacing Hilde Schweitzer who'd fulfilled the maximum two 4-year term limits on RMAC. *I did not solicit that appointment.*
- (3) Supervisor Briggs was cognizant that my presence at RMAC would be controversial. His emphatic words were, "***No matter what they say, you are appointed to RMAC by my authority.***"
- (4) I sent Ron Briggs an email on January 15, 2009 accepting the appointment to RMAC. The email was also copied to Sheriff Jeff Neves and the Board of Supervisors. Afterwards Supervisor Briggs had his Administrator Terri Gherardi send me the formal RMAC application. My ample qualifications for the Non-commercial Boater RMAC position were filed immediately and are on record with the County Clerk.
- (5) Ron Briggs rescinded my appointment to RMAC after he received petitions from RMAC members to withdraw my appointment to RMAC. A resident informed me an email slander campaign by Theresa Simsiman and Hilde Schweitzer had been circulated throughout the community. Their purpose was to retain Hilde Schweitzer as the Non-commercial boater representative to RMAC. It is noteworthy that I'd never even met or conversed with Theresa Simsiman, and I had very little community contact with Hilde Schweitzer over the past few years.
- (6) The petitions they vociferously submitted to the Board of Supervisors were based on total fabrications. Their petition included a formal letter they'd solicited from Kevin Colburn,

National Stewardship Director of American Whitewater, dated January 22, 2009 and addressed to Ron Briggs.

(7) As a compromise to appease the angry RMAC representatives, Mr. Briggs said he'd create another "Member-at-Large" position on RMAC that he intended for me to fulfill. This would permit both Hilde and I to participate as appointed RMAC representatives. He never honored his word nor did he respond further to my phone calls or correspondence. This put me in a very awkward position with RMAC members who'd become openly hostile and contentious towards me.

(8) Weeks later he left a phone message asking me to accept a third appointment to the **Community Action Committee**. I responded on March 30, 2009 at 11:51 PM via email declining his appointment explaining that "The third time would not be the persuasive charm." I was very disturbed by the ethics he displayed and his lack of explanation for his puzzling and inconsistent behavior.

(9) Supervisor Briggs remained unresponsive to communications until June of 2009 when Leonard Stroud helped arrange a meeting with Ron Briggs to discuss RMAC and Law Enforcement issues. Arrangements for this meeting began on April 30, 2009.

(10) Leonard Stroud and I finally met with Ron Briggs on July 16, 2009. I had submitted a formal RMAC agenda that is now part of the public record. **A copy of that agenda is attached to this affidavit.** With permission, our hour and a half meeting was audio recorded and documented in a follow up email. During our meeting Supervisor Briggs was made aware that his involvement would likely make him the focus of a Grand Jury investigation.

EDC SHERIFF'S OFFICE:

(11) In October of 2009 I had a lengthy and confidential conversation with Deputy Brian Schaub in the parking lot of the Lotus Firehouse after the RMAC meeting. Deputy Schaub is the EDSO representative to RMAC. The information I'd shared was sensitive and confidential about COMPAS and the purpose of my attending RMAC meetings on behalf of women especially who'd been threatened and intimidated to prevent them from participating in these public meetings. Rather than maintaining confidentiality, Deputy Schaub then inappropriately shared our conversation with hostile RMAC members which further aggravated the situation.

(12) I found out our private conversation had been shared when it was publicly voiced in a demeaning tone by Martin Harris during the November 2009 Annual RMAC meeting. There was an audience of approximately 30 people. By his sarcastic tone, it appeared Mr. Harris' intention was meant to humiliate and dissuade my participation in local public meetings. **(**Laurel & Leonard Stroud had accompanied me to the November meeting that was audio recorded. Both were very disturbed by the very controlling "Nazi-type" behavior they witnessed. The following Monday Leonard publicly shared their unsettling experience during the Placerville Taxpayers Association meeting where several County officials were present. Supervisor Jack Sweeney suggested I contact the District Attorney, Dept. of Justice and even the FBI.)**

(13) During the Public Comments at the January 2010 RMAC meeting I publicly addressed Deputy Schaub's indiscretion in my prepared statement. He was visibly shaken by my comments and his face blushed crimson. After the meeting ended, Deputy Schaub inquired about my remarks and asked for a copy of my prepared statement. I directed him to Noah

Rucker who could provide him with an audio of what I'd just read and the document I had submitted for the public record. My audio recorder was still on and captured our brief exchange. (14) On February 2, 2010 I met with Sgt. Bernie Morton in his office. He received my written citizen complaint against Deputy Schaub related to the RMAC incidents. I audio recorded our ½ hour meeting describing the interaction with RMAC representatives that inhibited citizens from participating in public RMAC meetings. I described in graphic detail how several women had been threatened, slandered, intimidated, *literally raped* and re-victimized by men who regularly attend RMAC meetings.

(15) I further explained how Sheriff Fred Kollar had met in my home in 2004 to specifically discuss the implications this had on the River Management Plan, Law Enforcement and the democratic process. As a result an EDSO representative was appointed to attend RMAC meetings to ensure the peace, order and safety of citizens. I became the delegated local representative for the citizens who dared not attend RMAC meetings. **However, it soon became apparent that I was resented for my involvement of Law Enforcement at RMAC meetings.** I refused to be intimidated and persisted in attending associated RMP meetings. Then in January 2009 Ron Briggs officially appointed me as Non-commercial Boating representative to RMAC.

(16) A formal citizen complaint against retired Sheriff Jeff Neves relevant to RMAC was also handed to Sgt. Morton on February 2, 2010. The complaint against Deputy Schaub was later dismissed by EDSO without explanation. The complaint against Sheriff Neves was also dismissed because he was no longer on staff. This is demonstrative why citizens feel it is an exercise in futility to trust Law Enforcement or make complaints, particularly when dealing with issues relevant to the River Management Plan. **It further underscored the necessity of my original meeting with Sheriff Kollar in 2004.**

(17) COMPAS consultant Dr. Dale Smith accompanied me to the March 14, 2010 RMAC meeting. At that time we both presented materials relevant to the Brown Act during the Public Comments portion of the meeting. Our conduct was orderly as we made our timed 5-minute presentations. The sarcasm and contentious attitude demonstrated by RMAC members made it obvious our knowledge of the law challenged their powerbase. We clearly were not welcome participants. As a result, Dave Martinez abruptly left the meeting in anger and Martin Harris submitted his resignation. **Deputy Schaub was not present at this meeting.**

(18) During the March 14, 2010 meeting RMAC reps had very reluctantly permitted me 15 minutes to cover the agenda topic of **Trespassing, Safety, Code and Law Enforcement** during the upcoming April meeting. I'd submitted at least six formal written requests over the course of 15 months to RMAC members and EDSO asking that this important topic be included on the RMAC agenda. Each time RMAC representatives adamantly dismissed my requests stating it was irrelevant to the River Management Plan, when in fact Code and Law Enforcement is a vital element of the RMP. I was the only person who was consistently treated with such discrimination and hostility making it clear my presence was not welcome.

(19) Subsequent to the that meeting, I was allotted only 15 minutes to address resident concerns relevant to Trespassing, Safety, Code and Law Enforcement during the April meeting. I voiced several incidents from women in particular who were reticent to attend RMAC meetings or involve law enforcement. One had been encouraged to move out of the area "before her body was found stuffed down a mine shaft." Sgt. Morton adamantly said "Those women needed to call EDSO!" He then accused me of "making the Sheriff's Office look bad."

(20) I patiently directed Sgt. Morton to the materials I'd just handed out and assured his concerns were all addressed in those documents. I gave more examples explaining exactly the reasons **why women were reticent to report threats to the Sheriff**. I also commented that I'd received similar such threats. Then I articulated a very graphic quote by one woman in particular:

"BRAVO!!!! As per your letter to the editor entitled, Our voice won't be drowned out by powerful bullies, I offer any support as I myself am a VICTIM, of such injustices. We need to continue to call attention to this county's representatives and lawmakers, along with all their patsies, immoral and illegal tactics. I applaud your courage. I hope that more people will rally together, without fear of retribution, so people can live in such a beautiful county that has been seriously tainted by its own government that is not for "the" people but, for "their" people."

(21) I further explained that citizens have simply lost trust in the effectiveness of local law and justice to effectively do their job. As COMPAS President, I am the delegated representative and spokesperson for citizens who are fearful of intimidation and retaliation associated with these RMAC meetings. Many are perfectly justified in the belief that calling the Sheriff's Office or making a formal citizen's complaint is simply an exercise in futility. The gist of the dialog that ensued and information I provided was **not** properly reflected in the public RMAC minutes. This is typical of all RMAC meetings I've attended over the years.

(22) It was also during the April RMAC meeting that Greg Stanton from Environmental Management indicated that County Counsel was working on a response to the Brown Act and Law Enforcement issues. It was relevant to the presentation made by Dr. Dale Smith and me during the March RMAC meeting.

MAY 13, 2010 RMAC MEETING:

(23) On May 13th I entered the Lotus Fire House at 6:53 PM. It was apparent that a pre-arranged meeting had already taken place prior to my arrival in preparation for the scheduled RMAC meeting. Several people were already in attendance including Supervisor Ron Briggs, County legal counsel Mike Ciccozzi, Greg Stanton from Environmental Health, River Supervisor Noah Rucker, EDSO Sgt. Bernie Morton, EDSO Deputy Brian Schaub, MGD Park Ranger Eric Carter, reporter Chris Daley from the Mountain Democrat, and river resident Mike Rinalli.

(24) Four appointed RMAC representatives were already seated at the head table: Member at Large Tim Lasko, Member at Large Marilyn Tahl, Marshall Gold Discovery Park ranger Bill Dietchman (Chairman), and Non-Commercial Boater representative Hilde Schweitzer. Tim Lasko and Marilyn Tahl appeared to have written questions prepared ahead of time to ask Attorney Ciccozzi. Besides Marilyn and Hilde, I was the only other woman in the room.

(25) Notably absent from both the 4/14 and 5/13 meetings were appointed RMAC representatives Resident Martin Harris, Business Owner Dave Martinez, and Outfitter Steven Liles. These individuals had been the most threatening, disrespectful and vociferous in their objections to my attendance at previous RMAC meetings.

(26) County Counsel Mike Ciccozzi sat two seats to the right of me in the front row. Two other men representing Friends of the River whose names were unfamiliar to me were seated behind me. There were a total of 16 people in the room. As usual, I sketched a diagram and identified those individuals in the room. The tribunal commenced at 7:03 PM. My audio recording of the meeting is 111 minutes in duration.

(27) The meeting began with the **rapid approval** of the March 17th RMAC minutes. They had not been distributed or approved as normal at the April RMAC meeting. I anticipated it was due to the controversial nature of the meeting involving the Brown Act. However I did not see the March minutes stacked on the table for anyone to review prior to the approval process.

(28) I then took a copy of the April 14th RMAC minutes displayed on the head table. An email had been distributed by Noah Rucker on Thursday, May 6th at 4:58 PM indicating, "**Minutes from April's meeting are not completed but will be sent out prior to the meeting and copies will be available at the meeting Thursday as well.**" The RMAC minutes were NOT sent out prior to the meeting or posted on the website.

(29) The public was given less than one minute to review the four pages of minutes before the April 14th minutes were quickly approved by the RMAC representatives. I silently noted that crucial information I'd specifically asked to be included was deliberately censored. Comments of others were included but taken totally out of context, painting an entirely false picture than what had actually transpired at the April 14th RMAC meeting. I was deeply disturbed to see Sgt. Morton's comments were strategically included in the distributed minutes; however my specific examples, materials and related dialog were deliberately eliminated.

(30) The overall effect was a typical RMAC ploy to manipulate and discredit my remarks, a frequent objection that I'd appropriately voiced during approval of the minutes at several 2009 and 2010 RMAC meetings. Despite conducting myself in an orderly fashion at each of those meetings, I was prohibited from speaking by Tim Lasko, Steve Liles, Martin Harris and Dave Martinez. I perceived their intent was to intimidate me into silence and deny my 1st Amendment rights.

(31) Before I could make any comments about the minutes that were just approved, Bill Dietchman quickly moved to Public Comments. I then quickly distributed 10 copies of the **May 10, 2010 COMPAS news release** and asked that it be entered into the record.

(32) The first item on the 5/13 agenda was Brown Act Information. Chairman Bill Dietchman introduced County Counsel Mike Ciccozzi. Bill stated that Mike had been asked to explain the applicability of the Brown Act. Mr. Ciccozzi's presence was actually a result of the March RMAC meeting when COMPAS representatives made a brief but compelling presentation about RMAC violations of the Brown Act. As a result of that meeting, Dave Martinez stormed out of the meeting and Martin Harris submitted his resignation from RMAC.

(33) Mr. Ciccozzi addressed the legal aspects of the Brown Act for 25 minutes, with very strong emphasis about dealing with 5 minute time limits and ***the public being repetitive or disruptive*** at RMAC meetings. He described them as "argumentative and insulting tirades."

(34) It was perfectly clear by the frequent glances from RMAC representatives towards me that Mr. Ciccozzi was implying ***my conduct*** had been disruptive and inappropriate. I felt very offended by his insinuations and threatened by the hostile looks I was receiving. The atmosphere was very tense and rehearsed.

(35) Mr. Ciccozzi explained that the public can audio and video tape these meetings as long as it is not disruptive. Once the meeting is completed, the minutes need not be verbatim, just reflect the general substance of the hearing. There is no specific provision for keeping of minutes except in closed sessions such as personnel litigation. The legislative body has the right to

approve the minutes, as long as they don't abuse it. ***The public may request corrections, but RMAC is under no obligation to do so.*** "They are **your** minutes, to **your** liking as long as they reflect the **substance** of the meeting as a broad brush, not a fine point." It is noteworthy that on several occasions I'd appropriately requested corrections to the minutes but they had been denied.

(36) He further explained the agenda decision is one made by the committee, *not* the public. "The legislative body need not even hear what the public wants. The rights of the public are to address what's on the agenda. Nothing says the legislative body must listen to it, adopt it or put it on the agenda... The Brown Act is designed to ensure people's business... The Board of Supervisors, City Council, RMAC are controlled so the public can participate. RMAC must do so fairly and with decorum. They are **your** proceedings." (At this point I wondered about the public's "broad constitutional rights.")

(37) Ron Briggs and Mike Ciccozzi then took turns as a tag team addressing prepared legal questions from RMAC representatives. Tim Lasko and Marilyn Tahl had questions written on paper. Questions and answers ensued about the legality of Ad Hoc committee meetings, minutes, and civil and criminal penalties.

(38) Tim Lasko asked about three members meeting as a sub-committee. Ron Briggs addressed his question by comparing it to a BOS Ad Hoc committee to work on a proposal.

(39) With a direct look implying that I was the troublemaker at RMAC meetings, Deputy Brian Schaub then asked Mr. Ciccozzi about the authority of law enforcement in dealing with **persistent disruptive conduct by a member of the public**. I sensed his question was retaliatory for filing the formal citizen complaint against him in February that was later dismissed. His boss, Sgt. Morton from the EDC Sheriff's Office, was seated to my right in the row behind me. Sgt. Morton avoided eye contact with me during the entire RMAC meeting and abruptly left before we adjourned.

(40) Mr. Ciccozzi enthusiastically replied, "Oh yes, I was asked that. If they are disruptive, ask them to stop; discontinue the meeting; ask them to leave; have a peace officer remove the person from the meeting."

(41) He then elaborated upon the responsibilities of the legislative body and the civil penalties. The tension increased as RMAC representatives shot glances accusingly towards me. Mr. Ciccozzi further explained the criminal penalties. Individuals can be held liable, but it is a very high standard requiring that a member deliberately intended to deprive the public of information.

(42) With a glance at me, Marilyn Tahl asked for clarification, "Collectively we are responsible?" Mr. Ciccozzi didn't answer her question directly.

(43) With another darting look at me, Tim Lasko asked if County Counsel would represent RMAC members if that scenario played out in the civil arena.

(44) Mr. Ciccozzi replied that it was not the decision of County Counsel. It would be taken to the Board of Supervisors to defend. A County employee would be defended by County Counsel or hired outside help. It is up to the Board of Supervisors to authorize the defense. There may be issues, but if you are acting on behalf of County Counsel, the Board of Supervisors will make the decision.

(45) Marilyn Tahl interjected that RMAC representatives are volunteers who do not receive compensation as a legislative body nor are they county employees.

(46) Mr. Ciccozzi replied about his work with STAR and Search and Rescue operations. It is a civil service decision appointed by the Board of Supervisors. I felt as though RMAC was baiting me with the expectation that I would interrupt and create a scene. I held my peace during the entire ordeal.

(47) I raised my hand and addressed a question to County Counsel. I used the example of Martin Harris (now resigned from RMAC) and his slanderous letters to the Mountain Democrat. Mr. Harris' disrespectful conduct included refusal on two occasions to accept a CPRA request for information related to RMAC.

(48) I commented that such unethical conduct by a County employee—such as MGDG Chairman Bill Deitchman--would certainly jeopardize their employment. I was specific with my question: *If the Chairman, chosen by the RMAC representatives, is named in a lawsuit, who would legally represent that person? And, would Martin Harris still be held accountable for his actions while he was Chairman?*

(49) Ron Briggs answered for Mike Ciccozzi. He replied if RMAC took a vote and authorized him to write that letter, it would be a problem. If someone said something, it's not an act of commission.

(50) I then took the opportunity to hold up the CA Public Records Act request that had been returned two times by Martin Harris. I explained it was also publicly presented to him during the January 2010 RMAC meeting that was video taped. I reminded Mr. Briggs of the thick file on irregular RMAC proceedings. The conduct of BOS appointed RMAC representatives is disgraceful, and the silence of the BOS is the same as condoning such conduct. RMAC meetings have been recorded and transcribed. *I stated it is clear the disruptions have NOT been from the public audience—it has actually come from the RMAC board members.*

(51) Mr. Ciccozzi replied, "That will work itself through whenever the lawsuit is filed. Then we'll find out."

(52) Hilde Schweitzer then asked if the CPRA was sent to Martin Harris' personal address or to his business. I replied it was first sent to his personal address and it was then publicly handed to him again at the January meeting that had been video taped. I reminded her that was when I remarked, "*This is one law you won't be able to hide from.*" The CPRA was returned twice via USPS.

(53) Mike Ciccozzi interrupted, "*That's the Public Records Act. I'll be happy to come back and address that someday. For today's purpose the agenda item is the Brown Act.*"

(54) Referring specifically to the April 24th memorandum sent to Greg Stanton and County staff, I then took the opportunity to reply that "It isn't the intention of COMPAS to turn RMAC meetings into a kangaroo courtroom."

(55) This dialog was obviously getting RMAC into deep legal water. That's when Mr. Ciccozzi cast a glance at Chairman Bill Dietchman. Despite the dialog that had been transpiring relevant to my question, Mr. Dietchman adroitly interrupted me and said that I "hadn't been recognized to speak."

(56) Ciccozzi then used the occasion to reprimand me for not staying focused. He replied, "...This isn't an Open Forum now. This is what I mean about controlling the process. If you want to address issues like that in Open Forum which aren't on the agenda, do it during Open Forum. If the committee would like to hear public comments about the Brown Act, now would be the time to have it. Stay focused. I'm not trying to be rude. The Committee hasn't finished their questions, but to jump in isn't productive."

(57) I replied that I was just asking a question and it was addressed specifically to Mr. Ciccozzi. He replied, ***"Whether or not it was, you were not recognized. I'm addressing these fine people in front of me."*** Although dialog was taking place and I had been recognized to speak, it was apparent his intent was to divert, control and intimidate me.

(58) Bill Dietchman picked up another cue from Mr. Ciccozzi and told me to hold my comments until they were finished. I felt their conduct was meant to silence and humiliate me in front of County representatives until they finished tearing me apart.

(59) Marilyn Tahl then asked Mr. Ciccozzi a question about taking action on issues brought up at RMAC meetings. She was referring to the April 14th RMAC meeting when all representatives had unanimously agreed to advise the BOS to investigate COMPAS allegations of irregular RMAC operations. This is a matter I'd brought before the BOS but they had refused to acknowledge or reply.

(60) Mr. Ciccozzi replied that deliberations themselves are not actions; ***you have to take action.*** "If you take action, but haven't agendized, then you've ***violated the Brown Act...***generally speaking."

(61) That's when Marilyn Tahl began to speak, "I want to make sure that could not be interpreted..." Mike Ciccozzi very abruptly exclaimed, ***"You're dead on!"*** The April audio will reveal that item was NOT agendized and the RMAC board took action by unanimously agreeing to advise the BOS to take action.

(62) With a darting glance at me, immediately Tim Lasko leaned forward and entered the fray. "If we are being attacked verbally or in writing, we should ask the person to stop & adjourn the meeting? What do we do with documents that attack us in writing?" **The inference was that I was the troublemaker.**

(63) Mr. Ciccozzi replied that if they are libelous or slanderous that's a separate issue. It's a matter of reason. If someone backs a truck up and asks them all to be put into the public record,...but if they hand you a couple pieces of paper, then yeah, you accept them and keep them for whatever the record retention is."

(64) Tim again asked about libelous or slanderous material and Mr. Ciccozzi replied, "If you really think it is libelous or slanderous, ***you get a lawyer.*** If you are talking about a document, there is nothing disruptive about handing in a document. But if someone goes into a tirade and calls you every name in the book, then you ask them to stop it. If they continue, you can adjourn; you can then come back after 10-15 minutes & try again. The worse case is you can come back at another time....That kind of conduct that you can out-argue or insult is not productive. Call it a night if you have to. If that person continues after a series of meetings and it becomes disruptive, then say, 'Next time you start this, you're going to have to leave.' And then you ask them to leave. If they refuse to leave, you adjourn. Then next time if they start that

conduct again you have an EDSO law enforcement officer...adjourn the meeting. Next time you do this and they refuse to leave....It is a drastic step and hopefully we never, never get there." ***I was obviously the target of his comments.***

(65) Bill Dietchman then asked if the public had any comments. Ron Briggs aggressively spoke up. ***"First, I want to thank you. It's a lot of hard work and you eat a lot of crap for free. You're doing a good job. You're an extension of the BOS and County. There is going to be a degree of ridicule and sarcasm. I think it all comes with the territory. If someone is saying something that is not correct, you need to protect yourselves. Go hire a lawyer. If someone is continuing the County would probably assist and would seek a restraining order. The public's business has to be conducted and that means you guys have to have a little thick skin. But you don't have to tolerate it. There has to be production to this meeting or the system fails. That's all I wanted to say."***

(66) It was clear Briggs was insinuating that I was the cause of the problems associated with RMAC that necessitated County Counsel be present that evening. I felt publicly re-victimized by the kangaroo courtroom drama.

(67) Marilyn Tahl then asked to address the speaker, Ron Briggs. With a glance towards me, again she emphasized that she was a volunteer, but wanted to know about hiring an attorney to protect against "egregious speech and actions." Her purpose as a volunteer was to do something productive, and the point was to protect the resources that bring revenue into the county. Thick skin or not, there's only so much that one can be expected to take. My worry is what happens to people who are coming with good intent are put in a position to find they have to find the funds...."

(68) Ron Briggs replied, "I think, speaking for myself as a Supervisor, I'm going to give you as much support as I can. ***I've never been in a case where someone has said something so libelous and dirty that I have to go sue.*** You are volunteers and yours is the best part because no one is paying you. ***I want to help defend you.*** I want to help you do your job which is to protect the resources and make sure the rafts at Chili Bar get to Folsom. ***I don't want you guys to worry that you're going to get your names flashed all over the paper or someone is going to say something that is not flattering or untrue.*** That's just not the..."

(69) Marilyn interrupted, "The unflattering happens...it's the untrue..." Briggs continued, ***"I would eagerly help use the County resources to help prosecute your wish for RMAC and the RMP."***

(70) At this point I raised my hand to speak and was recognized. "If I could speak up on this...Ron, I would like to say this publicly. I would like an explanation of your appointment of me and rescinding two times to RMAC. If you want to take this off line, I'd like to discuss this further. The support you offered them was denied to me and requires an explanation."

(71) I continued, "But I'd also like to pass this out about ***COMPAS*** as it relates to the Brown Act & RMAC." I then read the preamble to the Brown Act and sections of 54954.3 (a, b, c) and asked Bill Dietchman to enter it into the public record.

(72) I emphasized this section of the Brown Act reinforces the right to brief discussion ***"to permit a member of the public to raise an issue or problem with the body, or to permit body to provide information to the public, provide direction to its staff, or schedule the matter for a***

future meeting.” **Mr. Briggs was visibly shaken by my remarks with furtive looks and need of an escape.**

(73) Very uncharacteristically, Hilde Schweitzer who is normally very quiet, suddenly interrupted me forcefully. **“At the last meeting you were given 15 minutes. You were asked to provide specifics and you didn’t provide specifics! You gave handouts. You were given time and you wasted it! Nothing specific but some rhetoric; it was unproductive!”**

(74) I perceived this as a deliberately rehearsed diversion and briefly replied before I was interrupted, “I was given 15 minutes to address Trespassing, Safety, Code & Law Enforcement. It was all provided in handouts I’d given to you...” **(The fact of the matter was that dialog ensued and graphic specifics were given, but they were deliberately excluded from the minutes that were hastily approved that evening. The audio will bear witness to what really transpired.)**

(75) **As if on cue**, Mike Ciccozzi quickly interrupted Hilde. “Hang on! You’re interrupting now. This is not designed to be a back & forth and for it to be productive. We can’t all cry out ‘alphabet soup.’ When Ms. Lane is done addressing the Brown Act on that issue for a period of time, you’re obligated to listen. You don’t need to *act* on anything said. No back and forth. This is a public comment portion.”

(76) I responded, “Thank you. Mike, this is something you may want to address. Last month there was a **unanimous recommendation** that this issue would be taken to the BOS to act upon. Nothing has transpired. County Counsel is here tonight, Ron Briggs is here tonight, but no action has been taken on the **recommendation that you all made to BOS to address this issue.** What is the standard of conduct when the RMAC board has made their recommendation to the BOS to investigate allegations that Marilyn questioned earlier? She had no idea what transpired at the March meeting because she wasn’t here and it had everything to do with the Brown Act when a consultant was here. She didn’t listen to the audio and it wasn’t reflected in the minutes...”

(77) Marilyn Tahl interrupts “Before you...”

Mike Ciccozzi turns his body towards me and says, “I’m not here to advise you.”

(78) I replied, “I’m not asking for advice; just an answer.”

(79) Ciccozzi retorts, “But you just did. In “lawyer land” an answer to a question IS advice!” (Laughter) “I’m not going to do it. But if...um...If you wanted to say something...by all means, I’m NOT here to stop anyone from speaking. I’m just not here to provide advice to everyone--to every member of the public--who has a legal question today. It’s not my....” He was obviously very discomfited by my question and didn’t finish his sentence.

(80) I hastily replied, “That really addresses the (April 24th) memorandum I sent to Greg Stanton in which I stated, **“It’s not the intention to turn this meeting into a kangaroo courtroom.”**

(81) Ciccozzi replies warily, “I don’t know that that’s anyone’s intention, but if Greg sends me a memo and asks me a question...Greg is a county employee authorized to ask County Counsel questions that I’ll answer.”

- (82) Abruptly Bill Dietchman interrupts, "Any other public comments that anyone would like to address on the Brown Act?" (No response) Bill continues, "**Mike, we appreciate your being here...and very eloquently spoken, as usual.**"
- (83) Ciccozzi retorts with a laugh, "***That's why Ron hired me!***" By the pleased smiles, the impression came across as a very carefully rehearsed performance.
- (84) Bill Dietchman then moved to the next item on the agenda, the draft of the RMAC 2009 Annual Report. Parks & Recreation/River Manager Noah Rucker addressed the item and some dialog took place.
- (85) I raised my hand to be recognized. "Normally the RMAC Annual Report comes out in February or March. During the April meeting I'd asked when the 2009 Annual Report would be ready. I was told it would be distributed at the May RMAC meeting. **The Annual Report was not distributed at the May 13th meeting as previously indicated.**"
- (86) I then held up the 2008 RMAC Annual Report that had over a dozen items tagged. I briefly commented that several times during 2009 I'd requested that Chairman/Resident Representative Martin Harris have RMAC address these specific issues as **agenda items** for the public's benefit. **They are all River Management Plan topics that the public was frequently bringing up but RMAC had ignored.** Mr. Harris had become very contentious and refused to respond to me, so I addressed the same issues to River Manager Noah Rucker.
- (87) Noah Rucker then had me submit the agenda request in writing and I complied six times. I'd addressed correspondence specifically requesting "Trespassing, Safety, Code and Law Enforcement" be added to the RMAC agenda. I included the Sheriff's Office and appropriate County personnel in the distribution. Each time RMAC representatives kept avoiding or diverting the issues. My specific question that evening was, "**Will the diversion of these resident concerns about Trespassing, Safety, Code & Law Enforcement be accurately reflected in the 2009 RMAC Annual Report?**"
- (88) Noah replied, "The minutes of the November RMAC meeting reflect the last meeting of the year, and the community comments raised by the public at that meeting will be in the Annual Report." **I perceived Noah was avoiding answering my direct question relevant to the RMAC Annual Report.** (**Witnesses who accompanied me to the November RMAC Annual Meeting were very disturbed by what they saw transpire. It was later mentioned at a Taxpayers Assn. meeting and became a controversial topic.)
- (89) Noah mentioned the appendices of the Annual Report, yet he was doubtful that purview was in the Annual Report. I asked for an example about what he was actually referring to and he replied, "**Such as Code Enforcement on campgrounds.**"
- (90) I replied, "**Actually, according to the RMP that I've got right here, it DOES say so...**" Noah interrupted me, "***I don't want to dialog.***" He was visibly flustered that I was prepared and very specifically focused with a question related to the agenda item that he didn't feel comfortable answering.
- (91) Again I respectfully replied, "I didn't intend to dialog, but I do have it marked here (in the RMP) and it is mentioned. Also the purpose of RMAC is to "**discuss ideas, issues and conflicts**" as stated on the RMAC government website."

(92) Noah cut me short, "So it will be reflected in the November meeting." It was clear he was attempting to circumvent my direct question and prevent brief dialog as permitted under Section 54954.3 (a, b & c) of the Brown Act.

(93) Resident Mike Rinalli interrupted, "I wanted to remark that around the November meeting that there is an agenda item that specifically seeks the input and that's the opportunity to speak them out. Whether action is taken or not, the purpose of the meeting was to enlist those issues but not necessarily take action. For those of us who live along the river, that's the opportunity to input yearly." (Mr. Rinalli was NOT present at the November meeting or any other 2009 RMAC meeting. His 100 acre property development project known as "Lands End" however took up the entirety of the January 2010 meeting as well as most of the February 2010 meeting.)

(94) Bill Dietchman quickly interjected, "Any other comments?" I replied, "There's just one other comment of considerable concern regarding issues that have been coming up consistently (relevant to the RMAC Annual Report). It's about the **Trespassing and Noise issues**. I'd like to pass these out for the public record..."

(95) I then proceeded to distribute copies for the public record of the May 8th memorandum to Sheriff Kollar, Lt. House, Supervisor Briggs, Greg Stanton & Jim Wassner. Included in the package was the April 24th memorandum to Greg Stanton about the RMAC 2009 Annual Report relevant to Public Safety, Code & Law Enforcement (both are attached to this affidavit).

(96) Bill Dietchman again interrupted, "Are you done yet Melody?" I replied, "That's it! Oh...just one other thing..."

(97) Bill interrupted again, "Next time, Melody, in the future put your comments together in one package."

(98) I respectfully insisted that my question was very focused to the topic at hand, "*This is relevant to Hilde's earlier comment and about the Trespassing, Safety, Code and Law Enforcement issues and it's relevant to the RMAC Annual Report.*"

The good news is, Lt. Kevin House has agreed to an Open Forum with EDSO hosted by COMPAS. The media will be present. This will be an opportunity for the public to address their concerns to all candidates for Sheriff and Supervisor."

(99) Marilyn Tahl interrupted me, "Question for counsel. When a member of the public has finished their comments, it's my understanding they have forfeited their time. Is that correct?"

(100) Mike Ciccozzi replied, "Yes, that is a standard procedure with the BOS. You come up; you speak your piece; you sit down. Next person comes up, speaks their piece and that can be the standing rule. The Board can waive it if they deem it necessary for orderly process."

(101) Bill Dietchman asked, "What's the best way to keep comments on topic?" Mr. Ciccozzi replied, "Say, THAT'S OFF TOPIC!" (Laughter from RMAC). "*Let's focus*. This is the issue we're here to discuss. If that's the issue, you want to discuss, fine. If the person continues, just..." *Although my question was focused, I perceived their laughter as a diversion tactic to sway the topic.*

(102) Ron Briggs then immediately took over. "It's the Chair's duty. You're not compelled as a Board to go back and forth or answer any questions of the public. Take it; note it. Once you

receive something you take it and put it on file, but you have no...you're not compelled by the Brown Act to act on something that's given to you. The reason is, you have to act on your agenda. We at the Board, we give individuals 3 minutes, organizations 5 minutes. Sometimes if there's nobody there we'll let that person talk 5 minutes. If there's 100 people, we'll give 3 minutes and that's IT. We've been an hour and 10 minutes on one subject. Don't forget you're volunteers. You have families and are doing something good here. Don't let yourselves be subjected to something that is counterproductive to the board. It's the Chair's duty and discretion to make the meeting go quickly and let it go. ***It's the Chair's duty!***"

(103) Bill Dietchman picked up his cue, "***THANK YOU!*** Now let's move on to Institutional Permits."

(104) Marilyn Tahl brought up the Ad Hoc committee about Institutional Permits, commenting that it was not properly reflected in the minutes of the last meeting nor was a public meeting notice recorded (**Note minutes of the April RMAC meeting had just been approved at the beginning of the meeting. Refer to audio.**) There was nervous stammering between Tim Lasko and Marilyn Tahl about the content of the April minutes and the necessary public notice. Tim Lasko brought out a report about institutional permits and I asked for a copy of it for my records.

(105) After further discussion, Bill Dietchman asked for questions **from the public** about the Institutional Permit workshop to be held on June 1st. Discussion ensued with County Counsel Ciccozzi about the Brown Act and whether the public could comment or participate in this workshop. The public would be permitted to participate as long as they adhered to the rules, comments are clear and kosher, and relevant to the group breakout sessions of "like minded individuals." **It was apparent RMAC was setting up safeguards against my attendance at this public workshop.**

(106) Bill again asked if there were any other comments and I spoke up. "Yes, I have one. Under Institutional Permits on page 6-11 in the RMP, it says "Special Use Permits", which in my interpretation, would be relevant to the Quiet Zone campground noise as well. As you may know, this past weekend there was a 3 day event that woke up the entire Coloma Valley at 6:30 AM. So if there was a public forum of "like minded individuals", do I understand correctly that they would be represented at this workshop?"

(107) Apparently annoyed by my question, Bill Dietchman commented that this was about Institutional Permits and the process is being developed. ***You need to stay on topic.***"

(108) There was absolutely nothing inappropriate about my relevant question. I replied, "***That's the point.*** I'm trying..."

(109) Bill interrupted me again arguing, "You're *missing* the point. You're talking about a whole different..."

(110) This time I persisted, "It falls under the Institutional Permit in the RMP. I'm simply asking for **clarification.**" *My question was short, direct and relevant to the topic.*

(111) Marilyn Tahl responded, "Perhaps at another time, but it will not be addressed at that meeting." I thanked her for her reply.

(112) Bill Dietchman was getting frustrated when Ron Briggs quickly interjected, “*You have your Board discussion on the item, then you open it up for public comment. IT’S NOT AN EXCHANGE; IT’S COMMENT. Thank you very much, it’s duly noted and at your discretion to act on it. IT’S NOT YOUR DUTY TO GO BACK AND FORTH. It’s COMMENT. You do whatever action that’s agendized, or no action.*”

(113) Tim Lasko glared at me and interrupted Ron Briggs. “If that comment is headed off into a different direction, then it’s not on topic, then we can kindly request that we *stay* on topic?”

(114) Briggs replied, “Sure, but sometimes people get nervous. **Again it goes back to the Chair and it’s his duty and discretion to guide discussion.**”

(115) Marilyn Tahl then asked, “So whenever the Brown Act states something may be discussed, it is a discretionary “may” but it’s not an imperative “must.”

(116) Briggs replied, “CORRECT. The discussion is with the Board. The public is there to comment, NOT to exchange back and forth otherwise you’d go on for days. So take the public comment and do whatever action you are—or aren’t—going to do.

(117) I did not permit them to provoke me into an inappropriate response and held my peace. *However I sensed it was meant as a deliberate power-control tactic to prevent me from exercising my 1st Amendment rights.*

(118) Bill Dietchman interrupted triumphantly, “Any other comments or questions? No?? *GOOD!!*”

(119) Marilyn Tahl glanced at me and commented, “I see this as being a very contentious issue. I don’t think we want a public meeting to cover it. Especially...” *Her expression indicated she realized she had just said something that got her into deep water and so she quickly backtracked.* “I think it’s going to be a process in more than one meeting.”

(120) Tim Lasko then directed a question to Marilyn, “What would be your suggestion...to do this in writing? A reading-workshop meeting?” Marilyn replied to the effect, “That’s what I was thinking, but you have to give notice somehow...there needs to be facilitation techniques. Instead of like-minded people, you get each one in camps. You’re a group, now go and put the puzzle pieces together.”

(121) Mike Rinalli spoke up, “It seems you need to structure it as some sort of workshop. Seek the inputs in advance, perhaps provide that info in advance, encourage the documentation of the issues prior to the meeting and conduct it differently process-wise in this forum more like a workshop. We’ll have to have some organized structure to do that or you won’t be able to get all those issues into a funnel.”

(122) Bill Dietchman asked for more public comments and a possible action item. Tim Lasko submitted no action necessary other than to schedule another separate meeting. Marilyn Tahl seconded the motion to send out a notice to the outfitters and discussion ensued about the date and place.

(123) The next item that had been added to the agenda had to do with Swift Water services and discussion. After discussion the meeting was wrapped by Bill Dietchman. Marilyn Tahl thanked “all the people who showed up” (mostly County personnel).

(124) After the meeting adjourned Mike Ciccozzi approached me. With my recorder still turned on, I handed him the Martin Harris letters printed in the Mountain Democrat that denigrated COMPAS. He'd mentioned earlier that he hadn't seen the letters I'd mentioned.

(125) I then approached Greg Stanton from Environmental Management to ask whether I'd get a response from him in regard to my April 24th memorandum distributed at this evening's RMAC meeting relevant to the Annual Report and Code/Law Enforcement issues.

(126) Greg facetiously feigned ignorance and asked, "What's the question?" It became apparent he had absolutely no intention of giving me a direct answer and instead deferred me to Code & Law Enforcement, "I have no involvement with those departments." Although all these departments work intimately together as the **Technical Advisory Committee on CEQA issues**, his obtuse response is demonstrative of the bureaucracy that has frustrated citizens of El Dorado County. Our conversation was included in the audio of the RMAC meeting that evening.

(127) A three page Brown Act article relevant to this RMAC meeting written by reporter Chris Daley appeared in the May 16, 2010 edition of the Mountain Democrat. It is attached to this affidavit.

I, Melody Lane being first duly sworn on oath according to law, deposes and says that I wrote the 15 page, 127 item AFFIDAVIT above and that the matters stated herein are true to the best of my information, knowledge and belief.

Melody Lane

Date