

Melody Lane – Founder, Compass2Truth

Public Comment on Consent Calendar

1/6/26 Sovereignty and Control, Consent, 1,3,11

BOS 1/6/2025

I am addressing Items #2, #3, and #11. In 2009 Compass2Truth was founded based upon the Preamble of the Brown Act which states in part:

“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.”

For the BOS to deceptively spring this new 3-minute restriction upon constituents under the guise of “streamlining and efficiency” while they are preoccupied in Holiday festivities is nothing short of evil. ***We do not consent to your socialist manipulations.***

Despotism creeps in and takes over when constituents fall asleep at the wheel and fail to challenge their government representatives. Consequently, El Dorado County citizens are experiencing “death by a thousand cuts” to our First Amendment rights at the hands of the unelected (acting) CAO Sue Phillips and County Counsel David Livingston with the unanimous blessing of the BOS.

You follow neither the letter nor the spirit of the law. §54954.3 (c) states 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. Any attempt to **restrict the content of such speech** must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that [such] policies... promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.*

I have a moral and civic duty to expose government corruption. It is public knowledge that David Livingston colluded with former CAO Don Ashton to unlawfully obstruct my ability to communicate with staff, nor will he respond to PRAs as required by law. Factual evidence on file with HR and the DA leaves no doubt this was done in retaliation for my whistleblowing. Apparently, the acting CAO is going along to get along with the BOS who are part of the “good old boys” network conspiring to deprive me, and other citizens, of their sovereignty and 1st Amendment rights. In addition to violating your oaths, you’ve become complicit and liable for conspiracy against rights. The only response from the DA has been to “exercise my right to sue.”

Such costly lawfare could easily be avoided if you just did the right thing in the first place: Abide by the spirit and letter of the law, support the Constitution, and replace David Livingston.

Brown Act – Public Comment on Consent Calendar Item 25-2034

Presented by the Honorable Paul Thomas Gilchrest

6-Jan-2026

Good morning, El Dorado County Board of Supervisors.

I rise today to bring forward Brown Act compliance concerns regarding Agenda Item 25-2034 and the proposed change to public comment procedures for consent calendar items and closed session items.

Under the Brown Act, specifically **Government Code section 54954.3(a)**, the public must be given an opportunity to address the legislative body on **each agenda item** before or during the body's consideration of that item.

Consent calendars are a procedural convenience, but they do **not** merge multiple agenda items into one. Each consent calendar item, including those under Agenda Item 25-2034, remains a **separate agenda item** for public comment purposes. I observed in the November video recording of this Board discussing this item that there is potential for multiple items to be consolidated into a single 3-minute comment. This is exactly the kind of approach the Brown Act does **not** permit.

I am also concerned about the proposed language stating:

“Public comment on Closed Session items will be taken at the same time as public comment on the Consent Calendar.”

Closed session items are **distinct agenda items** with their own public comment requirements. Combining them with the consent calendar could confuse the public, discourage comment, and treat sensitive matters like routine items — inconsistent with the Brown Act and AG guidance.

Even more concerning is that the proposal places public comment **after adoption** of the consent calendar and closed session items. Under the Brown Act, comment must occur **before or during** consideration so the public can influence decisions. Allowing comment **after adoption** undermines public participation and does not comply in good faith with the law.

A more legally defensible approach would be to:

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- Allow public comment on **each consent calendar item**, including those under Agenda Item 25-2034, with reasonable time limits, **before adoption**, and
- Provide a **separate, clearly identified opportunity** for comment on closed session items **before entering closed session**.

My goal is not to slow meetings down, but to ensure procedures remain consistent with the Brown Act and long-standing AG guidance.

In my written statement, I have included Citations & Attorney General References along with Attorney General Opinions & Guidance.

Key Principle:

Efficiency tools may not collapse, obscure, or eliminate the public's right to comment. **Public comment after adoption or consolidated across multiple items violates the Brown Act.**

Thank you. My name is Paul Gilchrest. I serve as an elected member of the **County Fire Board. To be clear, I am speaking today in my individual capacity.**

Written Submission / Attachment

Respectfully submitted,

 06-Jan-2026

The Honorable Paul Gilchrest

Elected Member, County Fire Board

Citations & Attorney General References

Statutory Authority

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- **Gov. Code § 54954.3(a)** — Right to comment on each agenda item before or during consideration
- **Gov. Code § 54954.3(b)** — Reasonable, uniform time limits permitted
- **Gov. Code § 54954.3(c)** — Public comment required before closed session
- **SB 707 (Stats. 2021, ch. 3)** — Committee-level public comment may satisfy Brown Act if the item did not materially change

Attorney General Opinions & Guidance

- **85 Ops.Cal.Atty.Gen. 149 (2002)** — Time limits may not defeat the public's right to comment
- **63 Ops.Cal.Atty.Gen. 215 (1980)** — Public comment must be allowed on agenda items before decision-making
- **California Attorney General, Brown Act Handbook** — Each consent calendar item is an individual agenda item; public comment must occur before or during consideration, including closed session