

The Rule of Law in our Constitutional Republic secures those individual rights and protects them from the “mob rule” of the majority, or in this case, the River Mafia Mob. *& their relation to CSP Master Plan involving the American River corridor.*
 The Supreme Law and superseding authority in this nation is the national Constitution, as declared in its Article VI. In Article IV, Section 4, every state is guaranteed a republican form of government. ALL laws, rules, regulations, codes, ordinances, and policies which conflict with, contradict, oppose, or otherwise violate the national and state Constitutions are null and void, ab initio. (Refer to *Marbury v. Madison*: “The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law.”) In other words, you have no constitutional or any other valid authority to defy the Constitution, to which you owe your LIMITED authority, delegated to you by and through the People.

In Section 54954.3 of the Brown Act, it states that care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. Members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. It also addresses viewpoint discrimination, and that such a prohibition promoted discussion artificially geared toward ***praising and maintaining the status quo, thereby foreclosing meaningful public dialog.***

Section 54954.2 E (3) addresses members or staff responding to statements made or questions posed by persons exercising their public testimony rights. The public is entitled to honest services. *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.*”

In light of the highly controversial subject matter of the December 19th meeting involving the River Management Plan *ABC Serial Meetings* and Agenda 21, plus the illicit conduct of Commissioner Kris Payne and other county staff, the all too common excuse that there was a still a problem with the audio equipment in ~~January~~ is less than credible. It appears much more likely that the CAO and Parks and Rec have something to hide, and once again is not dealing ***openly, honestly,*** or in congruence with the EDC Core Values of ***accountability, integrity, collaboration, and service excellence.***

So the questions that need to be publicly answered *while in Capitol when was the 12/19 audio posted &* are: ~~Who gave the directive to~~
~~additionally state the complaint issues and violate you Principle Agent Oath of~~
~~who is DOT Director – Matt Switzer or Rafael Martinez?~~

CALIFORNIA BROWN ACT

PREAMBLE:

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

CHAPTER V.

RIGHTS OF THE PUBLIC

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

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

* } 54954.2 E (3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.

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