

My purpose today is to address Prop 42, CPRAs and BOS accountability. EDC is in a very vulnerable state right now, and scrambling to regain its equilibrium.

During our May 19th meeting with Supervisor Santiago we were led to believe that Resolution 113-95 was to be rescinded and rewritten in compliance with AB1234 ethics laws. You'll recall this topic was brought to your attention after I questioned Sheriff D'Agostini during a September 2013 meeting in EDH. The Sheriff replied that's how he raises funds for his department.

When I pressed the matter of Unjust Enrichment and “paying for justice”, the Sheriff stormed out of the room visibly upset. He retaliated by refusing to schedule meetings, cut off my email contact with his staff, and has been unresponsive to legal correspondence...including CPRAs. The subject was again brought up during the Cultural Assessment Survey last month. As a Constitutional Sheriff his conduct is unethical and unacceptable by any standards. Remedial action needs to be taken immediately.

It was our understanding that the issue of Resolution 113-95 was supposed to be scheduled on the June 10th agenda, but due to the pending Nutting trial the matter was postponed. Again the issue came up during our June 9th meeting with Supervisor Santiago. However the first 40 minutes of our 2-hour meeting was spent getting an update on the BOS changes due to the outcome of the Nutting trial. Subsequently we were not able to cover the topics on the agenda that day nor have we yet received a response as to when this issue will be scheduled as an item on the BOS calendar. Timing is of the essence...

Meanwhile the June 3rd election took place. I'd like to read excerpts from this article that appeared in Sunday's Bee relevant to Proposition 42:

“Voters in El Dorado County said “no.” ...But voters throughout most of this region...said “yes” to Proposition 42 on June 3, making it clear they want local governments to provide public access to meetings and records. Statewide, 61.9 percent of voters approved Proposition 42, compared with 38.1 percent opposed.

It's been a little hairy watching public access to records and local government meetings get caught up in a fight between state and local officials over who, exactly, would pay for such access...Californians want information and they want access. And when it directly affects their lives, they want both passionately.

Lack of money is a real concern for many local governments. But saying no to public access and public accountability? The majority of Californians rightly drew the line there with a vote that says access to records and meetings at the local level – whether city hall or an irrigation district or the fire district – is as important as it is at the state and federal level. It's how we keep officials accountable for their decisions, whether elected or hired staff. It's how we watch public spending, or ferret out public corruption.

Which raises the obvious question – are records truly available to the public if no one can afford to get them?”

On behalf of my constituents, we are concerned about the apparent “silent treatment” and stonewalling tactics that are preventing access to public information. Citizens deserve more respect and accountability from their elected officials. Let's put your commitment to the test today.

Madam Chair: When may we expect your response to these concerns, particularly Resolution 113-95 and AB1234?

Mr./Madam Clerk: Please enter these documents into the public record:

1. This transcript
2. 6/15/14 Bee article – Prop 42 CA guaranteed access to public meetings & records

Joyce Terhaar: With Proposition 42's passage, Californians guaranteed access to public meetings and records

By [Joyce Terhaar](#)
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Voters in El Dorado County said “no.” So did those in Amador, Sutter and Calaveras counties.

But voters throughout most of this region – Sacramento, Placer, Yolo, Yuba and Nevada counties – said “yes” to Proposition 42 on June 3, making it clear they want local governments to provide public access to meetings and records. Statewide, 61.9 percent of voters approved Proposition 42, compared with 38.1 percent opposed.

It's been a little hairy watching public access to records and local government meetings get caught up in a fight between state and local officials over who, exactly, would pay for such access. Judging from many of you who contact The Bee, Californians want information and they want access. And when it directly affects their lives, they want both passionately.

Reporter Tony Bizjak's coverage this past week revealing that trains coming through Sacramento and rural California are likely carrying volatile Bakken [crude oil](#) is just the latest example of demand for information that can come from public records. High-profile rail disasters are turning such shipments into a public safety concern across the country.

After one story published, readers throughout [Northern California](#) contacted Bizjak because “They want to know more. The calls I'm getting are from people who live by [rail lines](#). They're concerned about whether dangerous materials are being transported on the [rail lines](#) near them, and they want to know about it,” he said.

Earlier this week, Bizjak filed Public Records Act requests to get information from a regional air quality management district as well as the state. At the same time, BNSF Railway, in a letter to the state Office of [Emergency Services](#), demanded that if OES is asked to release information about shipments through an open records request, it must immediately notify BNSF so the railway company can take legal action to prevent public disclosure.

That sort of fight over public records is a little more familiar to those of us in the newsroom. We sort it out in the courtroom if need be. In the case of Proposition 42, however, the battle was over so-called state mandates that required the state to pay for access instead of local governments. Proposition 42 amends the [state constitution](#) to require local governments to comply with public access and records laws, with no state reimbursement for doing so.

Tom Newton, executive director of the [California Newspaper Publishers Association](#), of which The Sacramento Bee is a member, contends the so-called costs behind this battle were a bit of a phantom issue despite complaints from local governments.

“The commission on state mandates, it really is a feeding trough,” he said. “If you look at how historically many local governments have submitted claims for the minor cost of posting an agenda and allowing the public to speak at meetings, they'd put hundreds of thousands of costs” in.

I asked Newton, who lives in El Dorado County, what he thought about the “no” vote there.

“My thinking is that the rather conservative folks in El Dorado County looked at the voter pamphlet and ... saw this as a cost increase and didn’t pass it,” he said.

Lack of money is a real concern for many local governments. But saying no to public access and public accountability? The majority of Californians rightly drew the line there with a vote that says access to records and meetings at the local level – whether city hall or an irrigation district or the fire district – is as important as it is at the state and federal level. It’s how we keep officials accountable for their decisions, whether elected or hired staff. It’s how we watch public spending, or ferret out public corruption.

Reporter Charles Piller’s investigation into the construction of the [San Francisco-Oakland Bay Bridge](#), for instance, is dependent upon government documents, in this case hundreds of thousands of them.

Piller, who is working on another installment in his investigation, had sources telling him about their concerns with the structural quality of the bridge before he had documents to back them up.

We don’t publish such allegations without documented proof, however, and it has been a painstaking process to sort through documents obtained through numerous Public Records Act requests. Without those documents, Piller would not have written stories that spurred state Senate hearings and an investigation, as well as a separate investigation by the CHP.

At the local level, now that Proposition 42 has passed, Newton said he’s turning his attention to a growing issue with access to court documents.

[Sacramento County](#) plans to begin charging for online access to court records in June to raise revenue. Other counties have done the same. [Peter Scheer](#) of the First Amendment Coalition in [San Rafael](#) told The Bee in April that the fees will be a “pretty significant barrier for a lot of people.”

For journalists as well. In our investigation last year of Nevada’s busing of mental health patients to avoid paying for care, The Bee paid court fees ranging as high as \$4.75 per name for [Los Angeles](#) County court records. We were checking for criminal complaints involving about 500 patients bused to California; we spent about \$530 in Los Angeles alone.

Which raises the obvious question – are records truly available to the public if no one can afford to get them? A patchwork of county-by-county court document fees isn’t the answer to tight budgets.

Read more here: <http://www.sacbee.com/2014/06/15/6479939/with-proposition-42s-passage-californians.html#storylink=cpy>

M. Smith Open Farm BOS 6-17-14

Submitted to the Board of Supervisors El Dorado County, CA

June 17, 2014

Marian Smith, P.O. Box 279, Garden Valley CA 95633

Good morning my name is Marian Smith; I am a Garden Valley resident.

I'm here as a follow-up of my appearance in front of the Board of Supervisors last Tuesday, June 10, 2014.

At that time, I expressed my dismay that the BOS approved for the Sheriff's Fixed Asset List "Two custom rifles in the amount of \$25,000".

The two custom rifles are actually McMillan TAC-50 50-caliber Browning Machine Gun combat weapons.

As a reminder, the TAC-50 is designed for a sniper to make a kill at a distance of over one mile.

As well, the ammunition and explosives that come with this package is designed to destroy/disable vehicles, and to penetrate most commercial brick and concrete walls.

I relayed to the BOS that I was unable to acquire the video of this approval at the May 13th meeting, that I didn't know if this purchase was discussed at any length, or if it just generally approved along with the full list of items desired by the Sheriff's Department.

Supervisor Santiago requested the video of this discussion be found and posted online. As it turns out, there is no video recording of this discussion. Video begins after the approval of this agenda item.

The only information I found was that Supervisor Mikulaco moved for the approval of this agenda item and that Supervisor Veerkamp seconded the motion.

There is no indication that a vote was taken, but the action detail shows that the agenda item was approved.

I remain alarmed that military weaponry continues to become a part of law enforcement in El Dorado County and that the BOS conforms to this troubling national trend.