

L. Weitzman Open Forum Bds 2/23/16

OFFICE OF THE CLERK  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF EL DORADO  
CASE NO. 15-0518

EL DORADO CO. SUPERIOR CT.

FILED SEP 25 2015

BY Sp Howe

1 Paul Q. Goyette, Esq. SBN 137250  
2 Gary G. Goyette, Esq. SBN 224715  
3 Camille K. Binon, Esq. SBN 298682  
4 GOYETTE & ASSOCIATES, INC.  
5 A Professional Law Corporation  
6 2366 Gold Meadow Way, Suite 200  
7 Gold River, CA 95670  
8 Tel: (916) 851-1900  
9 Fax: (916) 851-1995  
10 Email: camille@goyette-assoc.com

11 Attorneys for Petitioners RONALD V. BRIGGS and  
12 NORMA SANTIAGO

13 IN THE SUPERIOR COURT OF CALIFORNIA

14 COUNTY OF EL DORADO

15 RONALD V. BRIGGS and NORMA SANTIAGO,

Case No. PC 20150518

16 Petitioners,

DECLARATION OF THERESA R. DALY IN  
SUPPORT OF PETITION FOR WRIT OF  
MANDATE

17 v.

18 COUNTY OF EL DORADO, and DOES 1 through  
19 3, inclusive,

DATE: 8:30 A.M.  
TIME: 9  
DEPT.: 9

20 Respondents.

21 I, Theresa R. Daly, hereby declare as follows:

22 1. I am not a party in the above entitled action. I have personal knowledge of facts stated  
23 herein and if called as a witness I could and would competently testify thereto.

24 2. I served as a Chief Administrative Officer for the County of El Dorado from December  
25 2010 to November 2014.

26 3. In October of 2013, County Counsel Edward Knapp informed the Board they too would  
27 receive the 5% salary increases offered to bargaining units due to various board resolutions and  
28 ordinances adopted over time. County Counsel Knapp linked the Board's salary and benefits with  
elected department heads. County Counsel Knapp stated that the elected department heads (and  
Board members) receive the same salary and benefits the appointed department heads received ergo  
the 5% raise affects all elected officials. County Counsel Knapp's research showed the Board is  
inextricably tied to salary and benefit increases in a proportional share as received by the elected

BY FAX

1 department heads.

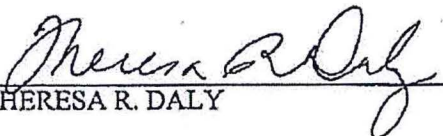
2 4. In November 2013, with the 2014 election cycle forthcoming, the Board acted in  
3 anticipation of a county-wide overall reclassification and comparable salary study to be completed  
4 mid-summer or early fall in 2015. The Board acted to reduce the elected department heads salaries  
5 and special pay schemes prior to the opening of the 2014 election filing period, thus setting the stage  
6 for a county-wide reclassification and salary adjustments. The Board acted because their next  
7 opportunity for any downward adjustment would be in 2019.

8 5. During the November 5, 2013, Board of Supervisors meeting the Supervisors were  
9 provided a spreadsheet prepared by my office, which show the elected department heads received the  
10 4.6% in-lieu of Management Leave pay. Attached hereto as Exhibit 4 is a true and correct copy of the  
11 spreadsheet showing salaries and special pay received by the elected department heads at the County  
12 of El Dorado.

13 6. I am aware that all elected department heads received the 2% Cost of Living  
14 Adjustment and 3% Equity Adjustment beginning in June of 2014.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
16 true and correct.

17 Dated: September <sup>24</sup> 2015.

18 By:   
19 THERESA R. DALY

20  
21  
22  
23  
24  
25  
26  
27  
28

STEP 1  
APRIL 05 2014

STEP 1  
JUNE 28 2014

STEP 1  
AUGUST 23 2014

ASSESSOR	61.43	61.43	61.43
ASST CAO	65.54	68.82	68.82
CAO	77.10	80.96	80.96
CNTY RECORDER	55.66	55.66	55.66
HR	62.42	65.54	65.54
SURVEYOR	58.87	58.87	58.87



## TRANSITION AGREEMENT AND RELEASE OF CLAIMS

The County of El Dorado, by and through the Board of Supervisors of the County of El Dorado ("County") and Theresa Daly, Chief Administrative Officer of the County of El Dorado ("DALY") (County and DALY referred to as the "Parties") agree to this Transition Agreement and Release of Claims ("Agreement") as follows:

1. DALY is currently the Chief Administrative Officer of the County of El Dorado and has acted in that capacity since December 18, 2010. DALY began her employment with the County of El Dorado as the Assistant Chief Administrative Officer on July 26, 2010.
2. The purpose of this Agreement is to bring DALY's employment with the County to a conclusion in an agreeable manner, to provide DALY with consideration DALY would not otherwise receive and in return to provide the County with security that the employment relationship has been terminated, that DALY will remain available for assistance and consultation to the COUNTY and that no claims or other issues shall be raised relating thereto. Nothing in this Agreement will constitute a removal of DALY from the Chief Administrative Office for cause.
3. Pursuant to the El Dorado County Charter Section 302 the Chief Administrative Officer serves at the pleasure of the Board. In order to assure a smooth transition to a new county administrator, the County and DALY agree to the terms and conditions contained in this Agreement.
4. a. Upon execution of this Agreement, pursuant to the Chief Administrative Officer Memorandum of Agreement (MOU), in exchange for a full release as provided in the MOU and further, in recognition that for a reasonable period of time following DALY's resignation, in recognition of her expertise, contacts and institutional memory, County will require and DALY agrees to provide, in good faith, reasonable assistance and cooperation to the County in regards to matters in which she was involved during her employment including but not limited to assistance in connection with any actual or threatened claims, complaints, litigation or lawsuits in which the County and/or DALY, in her official capacity, are named as subjects or defendants and assistance and consultation in connection with the ongoing operations of the County in which she was involved during her employment with the County. It is anticipated that for the first six months following DALY's resignation, the cooperation, consultation and assistance will require a significant expenditure of time by DALY for the benefit of the County as the County transitions to a new county administrator and thereafter require DALY to be available on an as needed basis. However, it is understood and acknowledged by County that DALY may accept other employment at any time after her resignation and that employment, or other factors, may impact her availability to the County. In consideration of the foregoing, County will pay DALY a total of nine (9) months base salary, less applicable taxes, as base salary is defined in the MOU. The total base salary before withholding is \$153,519.57. This amount will be paid within the first seven (7) days of January, 2015.



# Mountain Democrat

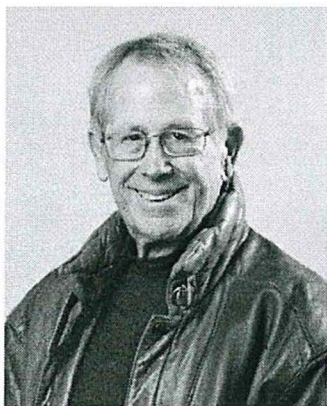
PLACERVILLE, CALIFORNIA

## Opinion

### The Balancing Act: Above the law

By Larry Weitzman

From page A4 | February 22, 2016



Powered by Google

Recall dates draw near

City eyes sales tax hike for

## Recent Posts

Academic Decathlon winners

Emily's Corner

Full agenda for Tuesday's BOS meeting

Print edition, Monday, February 22, 2016

Building permits issued Feb. 8-12

France and guns

Executive orders again

EDWA donates free libraries to Placerville

Take a look at our future

Heard over the back fence: Just say bingo

HOME

NEWS

OPINION

LETTERS

SPORTS

PROSPECTING

ESSENTIALS

OBITUARIES

REAL ESTATE

GALLERY

CLASSIFIEDS

ADVERTISERS

AD RATES

CONTACT US

El Dorado County has issues with law, either not understanding it, ignoring it or just plain flaunting it, mostly at our highest levels in county government.

Even former county public officials have this problem.

In a recent lawsuit filed by former county Supervisors Ron Briggs and Norma Santiago, and supported by former Chief Administrative Officer Terri Daly, Briggs and Santiago claim they are due back pay from a series of resolutions mostly passed during their terms of office.

Daly filed a declaration under penalty of perjury in support of the plaintiffs, Briggs and Santiago.

**Care Managed Home Care**

*"I can't thank you enough for all you did for my Dad to keep him at home, safe, comfortable and happy for the last year of his life."*

Chen's daughter - June, 2014

Since 1988  
**Elder Options, Inc.**

Call (530) 626-6939 or (800) 336-1709

Serving the Sacramento region with offices in  
Folsom, Placerville, & South Lake Tahoe

[www.elderoptionsca.com](http://www.elderoptionsca.com)

If I remember right, not only did Santiago praise the inept Daly as a champion of county employees (forget county residents) but supported paying Daly three times her contract severance pay, which amounted to nine months' salary or about \$153,000, when she became an embarrassment to the Board of Supervisors and the county. Daly's declaration (under penalty of perjury) may prove to be her undoing.

But notwithstanding any possible quid pro quos, Briggs and Santiago are suing for alleged back pay. They claim the county owes them because they never received any of the wage increases and benefits via a series of salary and benefit resolutions that other county officials received, maybe \$100,000 or more each.

The county has rightly defended this lawsuit.

The Briggs and Santiago case has a fatal legal flaw (as well as factual

Register Now

**AutoPartsClass.com**

AutoPartsClass.com

flaws) and it is called the California Constitution Article XI, Sections 1 and 4 and it revolves around how a Board of Supervisors' compensation is set for charter counties, which El Dorado County is. Section 1(b) of Article XI says "each governing body (BOS) shall prescribe by Ordinance the compensation of its members ..."

It also repeats itself in Section 4 (b). Factual flaws in two declarations under penalty of perjury of Briggs and Daly is the claim that in June of 2014 the elected department heads all received a 5 percent raise. Absolutely false; only appointed department heads received raises, such as Daly herself, Assistant CAO Kim Kerr and Human Resources Director Pam Knorr, but none of the elected department heads received anything. Now the question becomes does that make Briggs and Daly perjurers? Additionally, Daly's declaration may be a violation of her severance agreement (Transition Agreement and Release Of Claims, dated Nov. 4, 2014) in that Daly agreed in paragraph 4 (a) of that agreement to assist the "county in regards to matters in which she was involved during her employment including but not limited to assistance in connection with any actual or threatened claims, complaints, litigation or lawsuits in which the county and/or Daly, in her official capacity, are named as subjects or defendants ..."

HOME

NEWS

OPINION

LETTERS

SPORTS

PROSPECTING

ESSENTIALS

OBITUARIES

REAL ESTATE

GALLERY

CLASSIFIEDS

ADVERTISERS

AD RATES

CONTACT US

The same paragraph further states, "In consideration of the foregoing, county will pay Daly a total of nine (9) months base salary ... \$153,519."

That amount plus management leave, vacation leave and float time, Cobra insurance, etc., was paid to Daly within the first week of January 2015. Daly's declaration — clearly against the county — was executed less than 11 months later and violates her severance agreement. Why hasn't the county initiated a lawsuit against Daly for the return of their \$153,519 for Daly's clear violation of her written severance promises? It's a slam-dunk!

The basis for the plaintiffs' Briggs/Santiago claim is a series of county ordinances, the last ordinance (4675) passed on July 12, 2005 that properly set the BOS annual salary as of Jan. 7, 2007, at \$76,875 but added a provision that said, "The salary, set forth above, and benefits of the BOS shall increase in the same proportion as increases in the salary and benefits to elected department heads with such changes becoming effective at the time any salary or benefit modifications for elected department heads become effective as allowed by law."

In other words, if a later resolution gives an elected department head a cost of living increase or any other percentage raise, according to the ordinance passed in 2005, the BOS gets the same raise by that resolution. But therein lies a problem. Salary and benefits of elected department heads and other county officials can be set by resolution and not by the more rigorous standards of an ordinance (an ordinance requires two hearings (readings) and published notice. A resolution can be passed at one hearing and does not require published notice. And as also stated in the California Constitution, Article XI, Section 1 an "ordinance prescribing such compensation shall be subject to referendum"; a resolution is not.

Perhaps the BOS that passed those ordinances to allow later increases to the BOS compensation by resolutions for elected department heads thought they found a clever way to bypass the requirements of the California Constitution, but it appears not. The California Constitution clearly and unambiguously requires that *only* an ordinance can prescribe the BOS compensation. No exceptions.

The county BOS passed an ordinance that said BOS compensation can be changed by resolution, which is why Briggs and Santiago say they are entitled to additional compensation. The California Constitution states only an ordinance and not a resolution can be used to change BOS compensation. In such a conflict, the Constitution clearly trumps.

Santiago and Briggs were both on the Board of Supervisors for at least eight years. Why did they wait nine years or more before filing this claim? Why didn't they do it seven years ago, five years ago, even two years ago? Maybe they both felt bound by the oath they swore to uphold the California Constitution during office? They are not that deep.

In their pleadings Briggs and Santiago are claiming that the above July 2005 ordinance granted them the later several cost of living raises





received by elected department heads but were not done pursuant to an ordinance but were granted all by resolution to those elected department heads; to wit Resolution 323-2001 (12/11/2001), Resolution 247-2005 (8/16/2005) and Resolution 089-2014 (6/24/2014). Therefore, BOS pay was not granted by ordinance, but by resolution, which is a strict violation of the California Constitution that says compensation for members of a county BOS are set by ordinance, not by resolution.

This whole scheme is a subterfuge to directly violate the California Constitution and therefore is illegal on its face. It is illegal to pass an ordinance that allows the Board of Supervisors to give themselves a raise by resolution. This is exactly what Briggs and Santiago claim.

*"In looking for people to hire, you look for three qualities: integrity, intelligence and energy. And if they don't have the first, the other two will kill you."* — **Warren Buffet, CEO Berkshire, Hathaway**

Larry Weitzman is a resident of Rescue.

1 Comment

Sort by **Oldest**


 Add a comment...



**Ken Steers Jr.** · Cameron Park, California

More of an indictment on term limits for county supervisors. Fore if a supervisor spends one quarter of his or her working career, 8 years in a part time job and honestly didn't manipulate the system to feather their own bed and were not financially independent before they came into office then one just might end up in the same situation if they're elected.

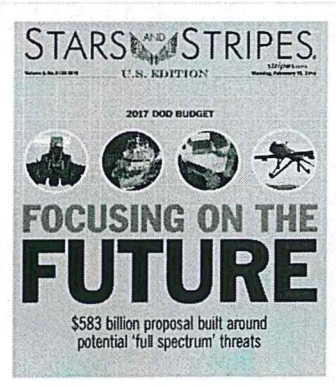
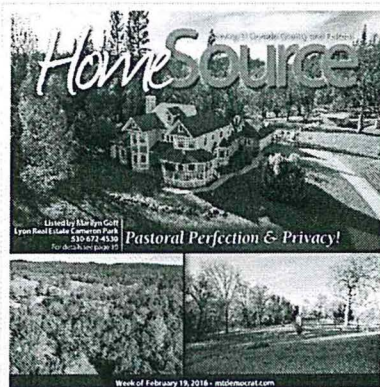
Like · Reply · 21 hrs

 Facebook Comments Plugin

### Larry Weitzman

Story Archive

## Special Publications »



Contact Us | Customer Service

Home Source, February 19, 2016

Subscribe or Renew

Stars and Stripes, February 15, 2016

Print Edition

Cameron Park Life, February 2016



The reason America is in the miserable shape it's in today is primarily because the American electorate is mostly ignorant of constitutional principles and, therefore, is either incapable or unwilling to hold their civil magistrates accountable to the Constitution.

First and foremost, I have been supportive of Sheriff D'Agostini since 2010. I helped campaign to get him elected. He was aware of my Capitol ministry involvement where we vetted candidates for political office. The Sheriff promised to do a clean sweep. He even requested we pray for him and his wife during the campaign battle of seven candidates for EDC Sheriff.

It is a fact that the Sheriff has denied my email access to EDSO and refuses to meet even if I'm accompanied by witnesses. I have found it necessary to question the Sheriff on more than one occasion regarding his Constitutional Oath. His motive appears to be retaliation for holding his feet to the fire.

Due to threats and concerns about my personal protection I was strongly urged by friends to apply for a Carry Concealed Weapon permit. I applied for my CCW on August 10, 2015. At that time I was told it would take 6-8 weeks to complete the Permit process. The appointment for my CCW interview wasn't scheduled until **January 7, 2016**. It was during my interview with Detective Sean Fitzgerald that I discovered my background check had been held at EDSO since **October 21<sup>st</sup>**.

The interview with Detective Fitzgerald was actually an interrogation about multiple Citizens Complaints filed against EDSO staff for misconduct and their falsification of reports involving American River Conservancy, the Coloma Resort, and unauthorized entry by two detectives to my property without notice or just cause.

Citizens have broad Constitutional liberties in the freedom of speech and exercise of their civil rights. One of those rights is to file formal Citizen's Complaints for EDSO misconduct and the right to give testimony before a disciplinary hearing. The Sheriff was provided eight Citizens Complaints contained in (this binder) sent to the EDC Grand Jury as well as Vern Pierson for investigation. The Grand Jury eventually handed it over to the CAO to return to me, a serious breach of confidentiality.

Despite audios and other documentation submitted to EDSO, the complaints were never investigated and dismissed by a standard form letter stating "No Misconduct." The Sheriff appears above the law and protects his own.

Then Sean told me that it was illegal to audio record law enforcement. I reminded him that the Ninth Circuit U.S. Courts of Appeals have recognized the First Amendment right to record the police and/or other public officials. The First Amendment protects

the right to record audio and video regardless of whether the police/officials consent. This constitutional right would override any state or federal laws that would otherwise prohibit such recording. The rationale is public officials need to be held accountable for their actions.”

Sean also used techniques to suggest I committed perjury. After an hour of interrogation it was looking dubious that he had any intention of granting my CCW permit. He was assured I had been truthful in all my replies and documentation provided to Sheriff D’Agostini. After examining my weapon I was told I’d receive a letter in the mail within 1-2 weeks.

Approximately two hours after my 1/7/16 appointment with Detective Fitzgerald I was elated to receive a phone message from Deputy Gillespie stating my **CCW permit had been approved** and I needed to schedule an appointment with Records.

My appointment to pick up my approved CCW wasn’t scheduled for five weeks until February 16<sup>th</sup> at 11:20 AM. However on February 12th I received a certified letter in the mail from EDSO stating my CCW was denied. ***What happened in the interim between the 1/7/16 APPROVAL and the 2/12/16 DENIAL of my CCW???***

EDSO staff is a reflection of the Sheriff’s leadership. How he handles staff misconduct is a measure of his integrity and effectiveness in law enforcement. To cover up EDSO misconduct violates his Constitutional Oath of Office further undermining the public’s trust in law enforcement. Is John D’Agostini truly a Constitutional Sheriff, or just in name only? The potential for liability and scandal is mind boggling.

Sheriff Richard Mack’s 2013 email reply to my concerns about Sheriff D’Agostini’s role in ***Last Line of Defense*** says it best, *“We don’t take responsibility for the Sheriffs or other public officials conduct or the lack of it. We will remove them if they don’t maintain a certain level of commitment to their oath, but other than that they answer only to you...”*

My greatest concern at this point is the precarious Catch-22 situation the Sheriff has created by putting me directly in harm’s way. Whether or not Sheriff D’Agostini approves my CCW permit is moot. The damage has been done. How he chooses to resolve the situation will be a test of his own character and commitment to his Constitutional Oath of Office.

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

1. This transcript
2. Appeal of CCW Permit Denial – cc: D.A., DOJ, CSPOA

M. Lane Open Forum BOS 2/23/16  
Melody Lane  
P.O. Box 598  
Coloma, CA 95613  
(530) 642-1670  
[melody.lane@reagan.com](mailto:melody.lane@reagan.com)

February 23, 2016

El Dorado County Sheriff's Office  
300 Fair Lane  
Placerville, CA 95667  
Attn: Captain Bryan Golmitz  
c/o Sheriff John D'Agostini

**RE: APPEAL OF CARRY CONCEALED WEAPON (CCW) PERMIT DENIAL**

Dear Captain Golmitz,

Attached to this appeal you will find a notarized **Sworn Affidavit of Fact** and substantiating documentation. (See Exhibit A)

For the sake of brevity I will be referring to Exhibit excerpts contained within the sworn Affidavit in support of my CCW Appeal.

First and foremost, I have been supportive of Sheriff D'Agostini since 2010. I helped campaign to get him elected. In fact he was aware of my Capitol ministry involvement where we vetted candidates for political office. The Sheriff promised to do a clean sweep. He even requested we pray for him and his wife Janine during the campaign battle of seven candidates for the EDC Office of Sheriff amidst the J.C. Dugard case that captured headlines throughout the nation.

Bryan, you were present along with Marshall Gold Discovery Park Superintendent Jeremy McReynolds during our initial 8/11 meeting held in Sheriff D'Agostini's office. That's when John said **"You need a new Board (of Supervisors). All of them...Hold their feet to the fire. Mine too. I work for you."** His statement is one of the primary reasons behind Total Recall - [www.edctotalrecall.org](http://www.edctotalrecall.org).

I applied for my CCW on August 10, 2015. At that time I was told it would take 6-8 weeks to complete the CCW Permit process. My CCW Course Certificate was issued by Geof Peabody on August 16, 2015. The appointment for my CCW interview wasn't scheduled until January 7, 2016. That's when I discovered my background check had arrived at EDSO **October 21<sup>st</sup>** which was 10 weeks after my 8/10/15 CCW application was submitted.

***Why was my permit delayed for another 10 weeks until the 1/7/16 interview?***

Approximately two hours after my 1/7/16 appointment with Detective Sean Fitzgerald I received a phone message stating, *"Melody, this is Deputy Gillespie with the Sheriff's Office calling to tell*



*you that **your CCW permit has been approved.** What you need to do now is schedule an appointment with our Records division at the main Sheriff's Office where you got your finger prints done and their phone number to schedule an appointment is 621-5703. Thank you."*

Inquiring minds would like to know why the appointment to pick up my *approved* CCW was delayed for five weeks until 2/16/16 @ 11:20 AM, but then on February 12, 2016 I received a certified letter in the mail from EDSO stating my CCW was *denied*???

***What happened in the interim between the 1/7/16 APPROVAL and the 2/12/16 DENIAL of my CCW?***

Adding insult to injury, my good reputation and character was maligned by EDSO. I have met ALL of the qualifications for my CCW and answered Detective Fitzgerald truthfully. The CCW denial received 2/12/16 via certified mail is mind-boggling.

***Are all CCW applicants processed this way, or am I being discriminated against for some reason?***

My greatest concern at this point is the precarious Catch-22 situation the Sheriff has created by putting me directly in harm's way. The apparent reason for the CCW denial is that I am being retaliated against for exercising my Civil Rights.

It is a matter of public record that the Sheriff cut off my ability to communicate electronically with EDSO and refuses to meet regarding matters within his jurisdiction. EDSO staff is reticent to respond to calls to Dispatch because they have been given direct orders from above and their apparent fear of being audio recorded and held accountable. The number of intrusions, trespassing, libel, slander, threats, casing of my property, harassment and identity theft on record with EDSO is vivid proof that I've been targeted. Refer specifically to CF#15-5698 and CF#15-5793. **(See Exhibit B)**

The Sheriff has also refused to respond appropriately to CPRA/FOIA requests for information. It is no secret all CPRAs and EDSO correspondence are now handed directly to County Counsel. This was the topic of our 11/12/14 meeting made at the request of Robyn Drivon and Paula Franz. Larry Weitzman was one of two witnesses who accompanied me to this important audio recorded meeting also attended briefly by Interim CAO and HR Director Pamela Knorr. Clearly Counsel has a penchant for giving bad legal advice. **(See Exhibit C)**

Should the Sheriff decide to approve my CCW, will I then be victimized such as LaVoy Finicum in Burns, Oregon? Or will I be turned over to the River Mafia mob while the Sheriff turns a blind eye to their bully tactics to intimidate and censor me? Have I not the same rights as any other citizen to live here in peace and safety? The Risk Management liability, media exposure and potential for scandal are mind boggling. **(See Exhibit D)**

EDSO staff is a reflection of the Sheriff's leadership. How he handles staff misconduct is a measure of his integrity and effectiveness in law enforcement. To cover up EDSO misconduct violates his Constitutional Oath of Office further undermining the public's trust in law enforcement. Is John D'Agostini truly a Constitutional Sheriff, or just in name only? **(See Exhibit E)**



Sheriff Richard Mack's 2013 reply to my concerns about Sheriff D'Agostini's role in *Last Line of Defense* says it best, "*We don't take responsibility for the Sheriffs or other public officials conduct or the lack of it. We will remove them if they don't maintain a certain level of commitment to their oath, but other than that they answer only to you...*"

I am not suggesting the Sheriff be removed, but he needs to do the *right thing* according to his Constitutional Oath of Office. It is a grievous obstruction of justice to deny a woman, *especially a senior citizen and upstanding member of the community*, the right to a CCW for *personal protection*.

Citizens have broad Constitutional liberties in the freedom of speech and exercise of their civil rights. One of those rights is to file formal Citizen's Complaints for EDSO misconduct and the right to give testimony before a disciplinary hearing. The Sheriff was provided eight Citizens Complaints contained in the binder sent to the EDC Grand Jury. Together they provide a more comprehensive picture of the issues that need to be addressed within EDSO. (See **Exhibit F**)

The deprivation of citizen rights is a serious Federal offense (USGC Title 18, Sections 241 & 242). To have knowledge of wrong doing and failure to take corrective action represents culpability and an Obstruction of Justice for which there are both civil and criminal remedies.

The exposure of EDSO misconduct and government corruption is information the public has a right--*and a need*--to know. For this reason multiple Grand Jury complaints—*and not just mine*—were filed with the EDC Grand Jury for investigation into EDSO operations. (See **Exhibit G**)

District Attorney Vern Pierson was provided the same materials as the Grand Jury after we met with him and Chief Investigator Bob Cosley. The D.A. agreed the materials were impressive and there was substance to the matter, therefore he consented to conduct an investigation. (See **Exhibit H**)

However when I inquired into the Grand Jury status of my complaint, they returned my 3" binder over to the CAO rather than directly to me. The irresponsible handling of sensitive and confidential information by the Grand Jury leaves citizens little doubt why several members have recently resigned and the 2013-14 Grand Jury disbanded. Like EDSO, the D.A. has become uncommunicative. The system is clearly broken.

It became apparent that the Sheriff had a change in attitude during our last meeting held September 4, 2012 in his office with MGD Superintendent Jeremy McReynolds, Roger Trout and Lt. Tim Becker. As is my practice, I prepared an agenda and audio recorded each of those meetings. Please note the following which was briefly covered during my interview with Detective Fitzgerald:

- The Ninth Circuit U.S. Courts of Appeals have recognized the First Amendment right to record the police and/or other public officials. **The First Amendment protects the right to record audio and video regardless of whether the police/officials consent. This constitutional right would override any state or federal laws that would otherwise prohibit such recording. The rationale is public officials need to be held accountable for their actions.**

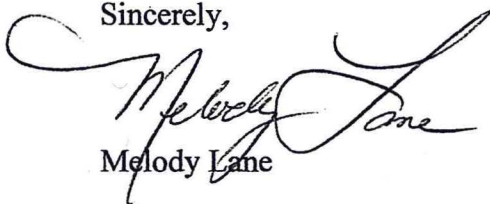
- "[A] citizen's right to film government officials, including law enforcement officers, in the discharge of their duties in a public space is a basic, vital, and well-established liberty safeguarded by the First Amendment."
- "Gathering information about government officials in a form that can readily be disseminated to others serves a cardinal First Amendment interest in protecting and promoting the free discussion of governmental affairs."

By allowing government to whittle away at First Amendment freedoms we have evolved into a society that would not only be abhorrent to the founders of this country but would be hostile to the words they used to birth this nation. The reason America is in the miserable shape it's in today is primarily because the American electorate is mostly ignorant of constitutional principles and, therefore, is either incapable or unwilling to hold their civil magistrates accountable to the Constitution.

***Could the fact that I audio record all meetings with public officials and have witnesses accompany me for the purpose of accountability be the real reason my CCW was denied?***

Whether or not Sheriff D'Agostini approves my CCW permit is moot. The damage has been done. How he chooses to resolve the situation will be a test of his own character and commitment to his Constitutional Oath of Office.

Sincerely,



Melody Lane

Attachments:

- Exhibit A – 2/22/16 Sworn Affidavit of Fact
- Exhibit B – Case files #15-5698 & #15-5793 correspondence
- Exhibit C – 11/12/14 Counsel Agenda
- Exhibit D – 2/19/16 Weitzman EDC Legal Counsel Giving Bad Advice
- Exhibit E – 11/18/14 cover letter to D'Agostini (8 EDSO Citizen Complaints)
- Exhibit F – 3/11/13 Follow Up Meeting Request
- Exhibit G – 1/6/15 Grand Jury EDSO Request for Investigation
- Exhibit H – 12/10/14 DA Request for EDSO Investigation

CC: CA Department of Justice  
District Attorney Vern Pierson  
CSPOA, Richard Mack



## SWORN AFFIDAVIT OF FACT

BELOW IS THE SWORN AFFADAVIT OF FACT BY **MELODY L. LANE**, THE WRITTEN RECORD OF EVENTS CONCERNING MY CARRY CONCEALED WEAPON PERMIT INTERVIEW WITH DETECTIVE SEAN FITZGERALD ON **JANUARY 7, 2016.**

I, Melody L. Lane, being over the age of 18 years of age, am hereby competent to testify to the following:

### BACKGROUND:

- (1) Four Coloma women have already been threatened and encouraged to relocate for their personal safety. Due to documented concerns of overt threats to my own personal safety I was strongly urged by many friends, family and neighbors to apply for a Carry Concealed Weapon permit.
- (2) It is an established fact that the Sheriff has denied my email access to EDSO and refuses to meet with me even if accompanied by witnesses. I have found it necessary to question the Sheriff on more than one occasion regarding his Constitutional Oath of Office and Law enforcement Code of Ethics. His motive appears to be retaliation for publicly quoting him from a meeting held in his office, *"You need a new Board. All of them. Hold their feet to the fire. Mine too. I work for you."* (See Exhibit A attached)
- (3) The Coloma Lotus community has been described by my neighbor and Chamber of Commerce President as the "environmental belly of the beast" where hostility, special interests and political agendas abound. Those who are familiar with the intrusions, libel, slander, arson, threats and hostilities I'd been subjected to expressed their dubious concerns about whether Sheriff D'Agostini would find an excuse to deny my CCW. Therefore friends and neighbors offered their help in the event EDSO was reluctant and/or unable to respond in the case of an emergency.
- (4) Sheriff D'Agostini has confirmed on several occasions that EDSO has very limited resources to cover over 350 square miles on the Georgetown Divide where crime is rampant. His support of the Second Amendment and his claim to equip citizenry with CCWs to defend their liberties is a vitally important aspect of the John D'Agostini's duty as a member of the Constitutional Sheriffs and Peace Officers Association (CSPOA).
- (5) The following is a graphic statement made years ago by Deputy Dave Petty. After being shot at in my own front yard by two men in a white pickup truck responding Deputy Petty remarked, *"I advise all citizens to keep a gun loaded and handy in the event I can't get there in time. It's only going to get worse."*

- (6) On another occasion Deputy Petty showed up at my front door unannounced at 5 AM after I had called in about a suspicious activity on my neighbors' property in the middle of the night. Dispatch had given him the wrong address so he stopped by my home to ask directions. Understandably Deputy Petty was surprised when I took his advice and opened the door with a loaded shotgun clearly in view.
- (7) Dave Petty also was tasked with serving a Temporary Restraining Order (TRO) on a neighbor with a history of violence who had been stalking me and attending River Management Advisory Committee (RMAC) meetings for the apparent purpose of harassment and intimidation. My pastor and members of the church in law enforcement who were familiar with the situation fully supported me in filing a TRO.
- (8) When served with the TRO the defendant refused to give up his guns *as required by law*. Deputy Petty was compassionate when explaining the implications and possible outcome of his refusal to relinquish guns. Filing a TRO could aggravate the defendant thus further jeopardizing my own safety. He emphasized that a restraining order provides NO PROTECTION whatsoever. Pastoral staff urged me to take the risk and pursue the TRO.
- (9) Eventually the TRO matter was contested by the defendant who represented himself in court. He brought with him the Coloma Resort owner Fred Faieta and two members of Friends of the River. My attorney was Bill Houle, formerly Assistant District Attorney under D.A. Gary Lacy. I was accompanied by six supportive friends and three legal professionals. Additionally pastoral staff and a member of Sierra Law Enforcement Chaplaincy were subpoenaed to give testimony on my behalf.
- (10) The outcome of the court hearing was less than satisfactory. As I was forewarned, the fomented libel, slander and overt acts of hostility against me throughout our river community. Years later the hostility has not abated, and in fact has grown worse requiring that I call EDSO Dispatch at all hours of the day and night for purposes of documentation. Many of us are of the firm conviction that to remain silent is to acquiesce to bully tactics.

### CCW PROCESS:

- (11) After completing my CCW interview at 2 PM on August 10, 2015 the EDSO Records personnel provided me a 6-page list of EDSO Reviewed Handgun Courses. My receipt #995861 in the amount of \$108 reflected a Seniors Discount. At the time I was informed that the permit process would take 6-8 weeks from start to finish.
- (12) I chose to take my CCW training through Geof Peabody/Peabody's Gun Range. Geof is a personal friend whose reputation for professionalism, integrity and faith is compatible with my own ministry, values and beliefs expressed in scriptures **Luke 22:36-38**. Geof certified the successful completion of my 16 hours of training for my CCW course on August 16, 2015.
- (13) November 19, 2015 I stopped by EDSO to inquire as to the status of my CCW. I was told by Records that some background checks had just come in, but it was now taking 5-6 months to complete the CCW process. EDSO would contact me regarding my final interview.



- (14) November 20, 2015 I attended and audio recorded the Rural Communities Coalition meeting held at the Garden Valley Fire Department where Sheriff D'Agostini was the guest speaker. His subject was Increased Crime on the Divide. I personally knew many of the approximately 60 people in the room, including leader Ron Wolsfeld who had attended my church while living in the Bay Area. The Sheriff encouraged citizens to call EDSO Dispatch and report whenever they saw any suspicious activity.
- (15) I took the opportunity to share a recent experience involving what appeared to be frequent harassment and/or casing of my property. When I called Dispatch to report a white pickup truck parked in my driveway shining a bright spotlight onto my home and property the responding deputy called me from South Lake Tahoe. He let me know EDSO was short staffed and due to the distance he couldn't respond in a timely manner. Nevertheless he agreed to make a report of the incident. Meanwhile my neighbor was alerted and able to show up in less than 5 minutes in the hope of intercepting the driver of the vehicle.
- (16) One individual questioned the Sheriff about confronting intruders or trespassers. What do you do when EDSO can't respond in a timely manner? Sheriff D'Agostini's reply was very revealing and contradictory. He remarked that he would give two answers: the official EDSO response, and then his own response as a Mt. Aukum resident. The safety aspects of confrontation and legality of using a gun on your own property generated tension in the room.
- (17) I then shared how a Deputy investigating Case Files #15-5698 and #15-5793 recently commented that EDSO was short-staffed and over worked since eight of the 16 deputies assigned to the western EDC slope had recently left for higher pay outside the county. The concern was how this would affect EDSO responsiveness to the demand created by higher crime incidents. The Sheriff appeared to be upset and wanted to know the name of the deputy that provided me that false information. He claimed a staff of 53 deputies on duty to respond to citizens need for law enforcement. Later I provided the Sheriff with the name of the deputy as we exited the building.
- (18) When I broached the subject of the length of time it took to process a CCW permit Sheriff D'Agostini appeared uncomfortable with the comments and concerns it generated from the audience. My own concerns about personal safety were expressed especially since I'd been targeted for my role in exposing local government corruption at BOS meetings. The Sheriff claimed it was now taking 6-8 MONTHS for EDSO to process a CCW. Although I'd initially been told my CCW would take 6-8 WEEKS, the Sheriff publicly stated my CCW still had about five months more to go through the process.
- (19) Over the course of the next few weeks it became apparent that the Sheriff had given EDSO staff orders to give me differential treatment. Staff that had previously greeted me by name and engaged in friendly conversation when I dropped by Records had inexplicably become very cold, aloof and impersonal. They now requested I be seated in the main lobby and wait to be called just to retrieve a document. At times I had to wait 90 minutes or come back another day. CA Public Records Act requests for EDSO information submitted to publicly to County



Counsel appeared to be the reason the Sheriff was on the defensive. He clearly did not like having his “feet held to the fire.”

- (20) Eventually I was told to call Dispatch to have a deputy come out to my home to pick up material evidence relevant to Case File investigations, specifically EG15-5698 and EG15-5793.
- (21) With the encouragement of Deputy Bernie Brown I submitted an EDSO Ride-Along Application to Theresa Renz on September 22, 2015 @ 9:30 AM. The clerk informed me Theresa would contact me within a week to schedule a ride-along with a deputy.
- (22) On November 20, 2015 @ 11:35 AM I stopped by EDSO to check on the status of my Ride-Along Application. Since Theresa wasn't available I left a message for her to call me. Theresa returned my call at 1:01 PM informing me that my application had been forwarded to Sgt. Danny Bears for approval and I could call him at 621-5692 to check on the status. I left a message for Sgt. Bears to call me.
- (23) On November 23, 2015 @ 9:33 AM I received a phone message from Sgt. Danny Bears informing me that my Ride Along submitted 9/22/15 had been declined by Under Sheriff Randy Peshon. I was told to call 621-6572 for further information.
- (24) When I asked for an explanation why my ride along was declined by the Under Sheriff, I was shocked when Sgt. Bears replied, *“Based on the fact, um, he felt it would not be conducive to the safety of the community, yourself and the public, and he was basically concerned about your ability to take direct orders from a deputy.”* His explanation made no sense whatsoever. A transcript of the phone conversation with Sgt. Bears is attached to this affidavit. **(See Exhibit B)**
- (25) January 4, 2016 @ 2:12 PM I received a phone call from Debbie at EDSO to schedule an interview appointment for my CCW on January 7, 2016 @ 9:30 AM the EDSO office located at 1323 Broadway in Placerville.
- (26) January 7, 2016 I arrived for my CCW appointment at 9:35 due to slow moving equipment that had obstructed my route on Highway 49. I was greeted at the door by a man I'd never seen before who obviously knew who I was. The detective told me to take a seat in the lobby and wait since another applicant had shown up early and taken my place.
- (27) At 10:00 AM the detective came out to the lobby and told me to follow him. When I asked his name, he coldly replied, *“I'll tell you when we get back to my office.”*
- (28) Detective Sean Fitzpatrick commenced to ask me some of the same questions that were on my CCW application. He then indicated that my gun was not registered so I explained that it was inherited from my father's gun collection. Sean produced a sheaf of papers which we reviewed together until I questioned when exactly my background check was received by EDSO. He removed the papers and looked through the them until he found the date received **October 21, 2014**. I inquired if EDSO had my background check since October then why did it take so long to get my January 7<sup>th</sup> permit appointment?



- (29) Sean's attitude became stern and his questions became more strategically pointed, strongly suggesting that I committed perjury. The unreasonable manner in which he was asking questions led me to believe he was trying to elicit a response that was falsely construed to disqualify me from obtaining a CCW as I had been initially warned. His interrogation made me feel like I was being framed. I replied I had answered every question truthfully.
- (30) Sean questioned me about a specific incident in 2007 when I requested EDSO assistance in making a Citizen's Arrest for trespassing by American River Conservancy staff on my private property. I explained Deputy Terri Cissna reluctantly responded to my request to make a Citizen's Arrest but it became apparent that she had been aiding and abetting the ARC.
- (31) It wasn't until weeks later that I found out Deputy Cissna had filed a false report **EG07-1796** claiming illegal discharge of a gun on my own land. After reporting to EDSO yet another trespassing incident I learned during a conversation with the responding deputy that Terri Cissna had also filed a false complaint against me with the D.A. regarding the 2007 incident. Recognizing it as frivolous the deputy informed me that the D.A. dismissed the charges. EDSO's reluctance to release a copy of the Case File was very revealing. It took weeks of phone calls to finally obtain a copy of the case report from EDSO and understand what actually happened.
- (32) The entire 2007 interaction with Deputy Cissna was audio recorded and submitted with photos along with a Formal EDSO Citizen's Complaint for Misconduct. I also audio recorded the Citizen Complaint interview with the Sargent receiving my complaint.
- (33) Sean further interrogated me about another incident involving Deputy Terri Cissna and the Coloma Resort in April of 2014 when I requested EDSO assist in making another Citizen's Arrest (**EG14-3120**). A friend was present to witness the entire exchange when Deputy Cissna arrived at my home. It appeared Deputy Cissna had an ulterior motive and due to her hostile attitude it became necessary to order her out of my home and off my property. The entirety of our conversation was audio recorded.
- (34) It wasn't until later that I discovered the case report Deputy Cissna submitted was totally misrepresented and falsified. Consequently another Formal EDO Citizen's Complaint for Misconduct was filed along with a full transcript of the audio. My complaint was addressed to Sheriff D'Agostini with the specific request to exercise my right to provide testimony at a disciplinary hearing.
- (35) I explained to Sean that Deputy Cissna has proven to have an unwholesome reputation during her tenure on the Georgetown Divide. She is not welcome on my property for any reason or many other residents. I have been present on several occasions when citizens have made complaints against Deputy Cissna only to be ignored or to receive a standard "No Misconduct" letter from the Sheriff months later.
- (36) Sean remarked that most citizens welcome EDSO onto their property. Then he inquired into another incident on November 10, 2014 when two detectives showed up at my home unannounced, ignored No Trespassing signs, and crawled through my locked gate without prior authorization or just cause.



- (37) I explained a neighbor was present to witness what transpired. My security system had warned of their approach so I was ready to audio record the exchange. Still in my pajamas I greeted them at the door. When Detective Natasha Gallagher demanded I produce an audio CD audio of the April 2014 Deputy Cissna incident (EG-14-3120) I politely told them that the audio CD was available at the District Attorney's Office.
- (38) The male detective began rudely interrogating my neighbor so they were reminded that they hadn't provided me any notice and entered my property without authorization; therefore I calmly requested they leave. We escorted them to the gate where I received their business cards. I was later informed that the detectives never retrieved the audio CD from the D.A.
- (39) On November 12, 2014 I attempted to file another Formal Citizen Complaint with Deputy Culver regarding the unauthorized entry by the two detectives on November 10, 2014. Culver refused to accept my complaint and became antagonistic. I calmly stood up, exited the room and requested the lobby clerk to deliver the Citizen Complaint directly to Sheriff D'Agostini. The entire complaint interview was audio recorded.
- (40) As expected I received yet another standard "No Misconduct" letter from Sheriff D'Agostini. I was denied my civil right to appear and give testimony before a disciplinary hearing. It was apparent law enforcement was protecting their own instead of the citizenry whom they profess to serve.
- (41) Detective Fitzgerald remarked during my CCW interview that it was illegal to audio record law enforcement. I informed him that the 9<sup>th</sup> District Court of Appeals has recognized the First Amendment right to record police and/or other public officials whether or not they consent. The rationale is public officials need to be held accountable for their actions.
- Sean then said he'd be filing a report of my interview. He sounded dubious that I was being truthful, so I reiterated my confidence that I had not committed perjury. I expected that his report would reflect that all questions were honestly answered and I reminded they could easily be substantiated by audios, videos, and documentation submitted directly to Sheriff D'Agostini. His attitude gave me no reason for optimism that my CCW would be approved.
- (42) I then asked Detective Fitzgerald if he now wanted to examine my weapon. The one hour interview concluded at 11 AM as he walked me out to my car. While I opened the trunk to show him my gun I asked if he recognized the significance of my license plate, PRVB31X. He said no. I replied, "*Proverbs 31:10 – A virtuous woman, who can find one. Her value is far greater than rubies. I've had that license plate for 25 of the years I've been in ministry.*"
- (43) As Sean examined my weapon he remarked that the reason my weapon probably didn't show up on the registry was likely due to a number that was not clearly distinguishable. He wrote the numbers down on a piece of paper and informed me I'd receive a letter in the mail within one to two weeks about the status of my CCW.




- (44) I returned home a few hours later and was elated by a message received Thursday 1/7/16 @ 1:22 PM – *“Melody, this is Deputy Gillespie with the Sheriff’s Office calling to tell you that **your CCW permit has been approved.** What you need to do now is schedule an appointment with our Records division at the main Sheriff’s Office where you got your finger prints done and their phone number to schedule an appointment is 621-5703. Thank you.”*
- (45) I immediately called records to schedule my CCW appointment but was surprised that the earliest I could be scheduled was **Tuesday, February 16<sup>th</sup> at 11:20 AM.** I inquired why should it take five weeks just to get a 5-minute appointment to pick up my CCW permit? The clerk replied the Sheriff’s Office was really backed up.
- (46) On February 12<sup>th</sup> I received a certified letter in the mail from Sheriff D’Agostini signed by Records Supervisor Serena Wilke informing me that my CCW permit has been denied. (See **Exhibit C**) The reason was failure to disclose information on the application regarding being involved in an incident involving a firearm (**Case #EG7-1796 – Deputy Cissna/ARC Citizen Complaint**). The letter further stated that applicant must meet the following requirements:  
(c) Fully complete the State of California Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW), FD4012  
(e) Be of good moral character.
- (47) I was shocked and felt betrayed. On top of maligning my character I had been deliberately set up, deceived, and put in harm’s way. The Sheriff’s staff is a reflection of his leadership. It only confirmed my fears about the authenticity of Sheriff D’Agostini’s Constitutional Oath of Office as a member of the CSPOA.
- (48) Giving EDSO the benefit of doubt, friends suggested I keep my appointment just in case *“the left hand doesn’t know what the right hand is doing.”* Therefore on February 16<sup>th</sup> at 11:15 AM a witness accompanied me to EDSO Records for my CCW permit appointment. After checking the computer and with staff in another room, another clerk handed me a copy of the certified letter I’d received four days earlier. I was stiffly told to contact Bryan Golmitz with any questions. It appeared staff had been well prepared in advance how to deal with me in the event I showed up for my appointment. I replied there must be a mistake or misunderstanding because I’d received a phone message two hours after my interview with Detective Fitzgerald informing me that my CCW had been APPROVED. Staff again directed me to call Bryan Golmitz.
- (49) I contacted Sheriff D’Agostini’s office and reiterated my request to his administrator Laura Lyons for a meeting with the Sheriff and Bryan Golmitz. Something fishy clearly was going on. We’d met before in The Sheriff’s office with other county and State Parks personnel to discuss law enforcement and public safety related issues. Laura refused my appointment request and tersely directed me to follow the process with Bryan Golmitz.
- (50) After leaving a message for Bryan Golmitz to contact me I received the following voice mail message on Thursday, February 18 @ 11:19 AM – *“Hi Miss Lane. This is Bryan Golmitz from the Sheriff’s Office. I’m returning your call. It’s in regard to the, ah, letter of denial of your CCW. Ah, the process is that instead of a meeting it is...you can write an appeal letter to me requesting an appeal of the decision made, ah, 30 days within receipt of the letter. Send that*

to me, ah, you can send that to me at the main office, that's 300 Fair Lane, Placerville, CA 95667. Please put it to my attention so it, uh, comes directly to me in a timely fashion. I will review, ah, the CCW application and the other material with it and I will notify you of my decision on that. Thank you very much and have a great day."

# # #

I, Melody L. Lane, being first duly sworn on oath according to law, deposes and says that I wrote the 8-page AFFIDAVIT above and that the matters stated herein are true to the best of my information, knowledge and belief, so help me God.

  
\_\_\_\_\_  
Melody L. Lane

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Notary Public for California

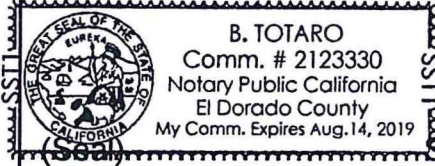


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of ELDORADO

Subscribed and sworn to (or affirmed) before me on this 22  
day of February, 2016, by \_\_\_\_\_

Melody A. Lane  
proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



Signature \_\_\_\_\_

*B. Totaro*



# Compass2Truth

*Citizens Serving God in Truth and Liberty*

P.O. Box 598  
Coloma, CA 95613  
(530) 642-1670  
melody.lane@reagan.com

March 11, 2013

Sheriff John D'Agostini  
El Dorado County Sheriff's Office  
300 Fair Lane  
Placerville, CA 95667

RE: Meeting Request – Follow Up to 9/4/12 EDSO Meeting

Dear Sheriff D'Agostini,

This letter comes as a result of a lot of thought and prayer.

First of all I wish to express that we have been very supportive of you as our elected Sheriff. On the basis that you claimed to be a Constitutional sheriff the question begs to be asked: *Are you a true Constitutional Sheriff in action and in deed, or are you just claiming to be a Constitutional Sheriff in name only?*

The citizens of El Dorado County have placed a great deal of trust in you as our Sheriff, I being one of them. But I have to be honest with you that support is beginning to wane less and less every day that you refuse to meet with us. I am really at a loss as to why?

I feel that this needs to be said: *I am a good friend but I'm a worse enemy.* I want to be very clear this is not any kind of threat but a statement about me and the purposes of **Compass2Truth**. We have been trying to have a face-to-face good faith meeting with you for well over a month now, but to no avail. Your refusal to meet causes us great concern in the fact that it would appear you may have something to hide that might be brought up at our meeting.

The Bible says that "a good name is more valuable than great riches." My prayer is that you will see this letter in the true light that it really is. The door is still open for you to 'do the right thing' by responding accordingly to this meeting request within seven (7) days of the date of this letter.

Sincerely,

Melody Lane  
Founder - **Compass2Truth**  
Conservatives Serving God in Truth & Liberty

Cc: District Attorney Vern Pierson

**EXHIBIT A**



## **Law Enforcement Code of Ethics**

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminal, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

11/23/15 Sgt Bears – EDSO Ride Along Declined - Transcript

Friday 11/20/15 1:01 PM - Yes Melody. This is Theresa Renz calling back from the Sheriff's Office returning your call. I was calling to let you know actually Sgt. Bears—B-E-A-R-S—would be the person in charge of the approval of that ah, ride along. And his number is 621-5692. I hope you have a great day too. Take care.

Monday 11/23/15 9:33 AM - Hello Miss Lane. This is Sgt. Danny Bears with the Sheriff's Office. I called just to notify you that your application for a ride along has been declined. Ah, if you need further explanation you can feel free to give me a call. My number is 621-5692. And again, this is Sgt. Danny Bears with the Sheriff's Office. Thank you.

11/23/15 Transcript of phone conversation with Lt. Danny Bears

Melody: Ah, could you give me an explanation why my ride along application was declined?

Sgt. Bears: Um, yes. The Undersheriff declined it.

Melody: Why?

Bears: Based on the fact, um, he felt it would not be conducive to the safety of the community, yourself and the public, and he was basically concerned about your ability to take direct orders from a deputy.

M: I beg your pardon? That makes absolutely no sense whatsoever. The recommendation for the ride along was made to me by Deputy Bernie Brown. I followed through with that and I was told that I would be notified by Theresa Renz within a week and I never heard anything. Um, but you said it was the Undersheriff, Randy Peshon?

B: Yeah, the Undersheriff declined it.

M: But why? That doesn't make sense.

B: Well, uh.... I just told you what he informed me of and he stated that the ride along is a privilege and not a right.

M: Well I filled out the application but I didn't say anything about my right. But I totally do not understand why that would be a detriment to the community, my safety, or anything else. That does not make sense. Um...I would like to know why it was that Supervisor Mike Ranalli around the same time made an application and he reported it publicly to the Board of Supervisors about his ride along. Why was the supervisor allowed to ride along, but me, a citizen, why was I like any other citizen, discriminated against?

**EXHIBIT B**



B: Well....Miss Lane...I'm sorry I can't tell you that because the decision was made by the Undersheriff.

M: OK, so you're talking about Randy Peshon, correct?

B: That is correct.

M: OK. And that decision I have a feeling came direct from Sheriff D'Agostini. Um, my safety and the issues having to do with the number of intrusions and threats and um this kind of thing and the increased crime we've had in the community—I don't understand where he got the idea about my "inability to take direct orders from a deputy???" That doesn't make sense.

B: (long pause) ...Uh, I'm sorry you don't agree with it, but that's all the information I know.

M: OK. I understand you're just doing what you've been told from above, but that has told me enough about how the Sheriff's office is operating. Thank you very much.

B: OK. Have yourself a good day and happy Thanksgiving to you.

M: Thank you. You too.

B: Bye.

# End of transcript #

Card Mail Rec'd  
2/12/16



JOHN D'AGOSTINI  
SHERIFF - CORONER - PUBLIC ADMINISTRATOR  
COUNTY OF EL DORADO  
STATE OF CALIFORNIA

February 9, 2016

Melody Lane  
6771 Mt Murphy Rd  
Coloma, CA 95613

Dear Mrs. Lane,

I regret to inform that your application to renew your Concealed Weapons Permit has been denied. The reason for denial is failure to disclose information on the application regarding being involved in an incident involving a firearm (case #EG07-1796), pursuant to our Policy Manual specifically,

**218.2 QUALIFIED APPLICANTS**

In order to apply for a license to carry a concealed weapon, the applicant must meet the following requirements:

(c) Fully complete the State of California, Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW), FD4012.

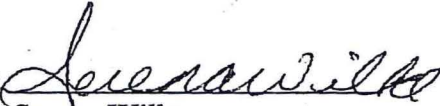
(e) Be of good moral character.

Should you desire to appeal this decision you may do so in writing within thirty days of receipt of this letter to Captain Bryan Golmitz at 300 Fair Lane, Placerville, CA 95667.

If you have any questions please do not hesitate to contact me at (530) 621-5877 Monday Friday 0800-1600 hours.

Sincerely,

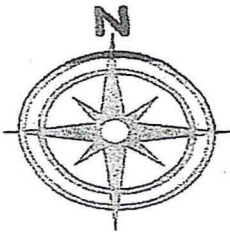
JOHN D'AGOSTINI  
Sheriff-Coroner  
Public Administrator

By:   
Serena Wilke  
Sheriff's Records Supervisor

**"Serving El Dorado County Since 1850"**  
HEADQUARTERS- 300 FAIR LANE, PLACERVILLE, CA 95667  
JAIL DIVISION- 300 FORNI ROAD, PLACERVILLE, CA 95667  
TAHOE JAIL- 1051 AL TAHOE BLVD., SOUTH LAKE TAHOE, CA 96150  
TAHOE PATROL- 1360 JOHNSON BLVD., SUITE 100, SOUTH LAKE TAHOE, CA 96150

**EXHIBIT C**





# Compass2Truth

*Citizens Serving God in Truth and Liberty*

P.O. Box 598  
Coloma, CA 95613  
(530) 642-1670  
melody.jane@reagan.com

January 14, 2016

To: Deputy Bernie Brown  
Sheriff John D'Agostini

RE: Case File #15-5698 – Coloma Resort Illegal Fireworks & SUP Violations  
Case File #15-5793 – Cyberbullying - Harassment/Identity Theft

Dear Deputy Brown:

The purpose of this correspondence is to follow up on your investigation of the above captioned case files.

Despite providing EDSO substantial documentation I have not heard anything from you since October 8<sup>th</sup> when we last met concerning this "priority" investigation and prosecution of the individuals you claimed to have interviewed. You indicated that I'd be advised as soon as you filed your final report and handed off the matter to the IT Cyber-forensics division of the District Attorney's office.

In the interim several more incidents have taken place, the harassment continues, and EDSO remains uncommunicative. It is my understanding that both these case files are still open. If so, what is the status of your investigation and why haven't I heard anything from the District Attorney?

During our conversations you asked me specific questions pertaining to these investigations. The following replies will supplement EDSO and D.A. investigations:

- 1. Who do you think might be responsible or has the technological expertise for the hacking of your Face Book, email accounts, and identity theft?*

I specifically replied the prime suspects were American River Conservancy affiliates Howard Penn, Donna McMaster, Harry Mercado and Mike Bean. I was told that Mike Bean requested his attorney be present when you interviewed him; however this appeared to be a stall tactic since you indicated no lawyer was present when you later spoke with him. You were adamant that Harry Mercado and Howard Penn were not in any way involved.

As you are aware these individuals have publicly posted on CLNews about their formation of a committee to censor me. Brenda Bailey from Mike Ranalli's office also informed me the BOS, EDSO and County Counsel are all monitoring CLNews postings.

**EXHIBIT B**

EDSO history does have a pattern of repeating itself so I voiced my concern that several reliable individuals felt the Sheriff's Department may be responsible for targeting me. You replied, "It's not us!"

You also indicated that Cris Alarcon, Robert Palacios and Dave Martinez were suspects. Although I felt you were wasting your time, you warned me not to "interfere with your investigation." Later you informed me Palacios was indeed involved in the hate campaign. Everyone knows Alarcon has an axe to grind. You felt Dave Martinez was the prime suspect because of his irrational public comment made during the 9/14/15 RMAC meeting about me "putting campgrounds out of business." I responded that I would not be intimidated by a bunch of bullies whose intent was to run me out of the county simply because they don't want to abide by the Laws, Ordinances, Regulations and Statutes (LORS) of EDC. You assured me emphatically that you would get to the bottom of the investigation and press charges. The ensuing three months of EDSO silence has been deafening.

2. *Has anyone called you a "bitch", made other derogatory remarks, avoided, ignored, or treated you "differently"?*

After further reflection I recalled Lt. Craig Therkildsen publicly made a remark to one of the leaders of the 2012 Toys for Tots event when he said, "What are you doing here with that bitch?" The leader was shocked by Craig's very inappropriate remark and did not reply. Craig was not in uniform at the time since he had retired effective 12/30/2011. However Sheriff D'Agostini was present in uniform with his wife Jeanine. She made a point to approach me while I was sorting toys to make a friendly remark about my involvement in the Toys for Tots event. Jeanine also mentioned she was grateful my prayer group SOFAR Intercessors was praying for her and Sheriff John as requested.

Another incident was October 23, 2013 when I attended an EDSO public forum at the Garden Valley High School where Craig Therkildsen was present *in uniform*. That was the evening prior to flying back to Wisconsin to attend my mother's funeral. I audio recorded the entirety of the event where Craig took his turn addressing the audience. A candidate for Supervisor remarked to me that he thought Craig was retired and wondered why he was even there in uniform.

After the event concluded I approached Sheriff D'Agostini at the rear of the room where he was conversing with a neighbor. I then extended a handshake and the following dialog took place as Undersheriff Rich Williams stood apparently uncomfortable nearby witnessing our exchange:

Sheriff John D'Agostini: Hello Miss Lane.

Melody: Hello Sheriff D'Agostini. How are you?

John: Good.

Melody: Got a question to ask you.

John: Um hum?

Melody: Why has my email been blocked from the Sheriff's Department?

John: Because you're costing my staff too much time. If you have a law enforcement issue call (unintelligible-noise)...



Melody: I have law enforcement issues. And I also have the issues where I've been delivering stuff to your office and there's been no response from our public servants. If you watched yesterday's Board of Supervisors meeting...the video is up now...it involves the Sheriff's Department and some of the issues having to do with the CPRAs...the fact that you're assigning CFS numbers and not giving case file numbers to enter material evidence for investigation. The surveillance camera that was stolen from my property last week...again there are a couple incidents in regard to that. These are serious issues. It's very apparent I've been targeted. I'd also like to know...it seems very apparent that my telephone has been tapped by the Sheriff's Department and I think uh...that's deserving of some answers.

John: (tersely) It's a lie. But thank you. (nervously looking around for an escape)

Melody: It's not a lie. I've got the evidence. You got the...you got the report that I submitted. Do you understand where...

John: (agitated) Melody if you've got a law enforcement issue call and we will respond.

Melody: I have called and responded and you've got the material evidence that I've asked to be entered into the file. Sheriff you are reminded that you work for us...

Obviously uncomfortable Sheriff John abruptly turns away and walks over to greet someone else.

# END OF TRANSCRIPT#

Lt. Tim Becker also has demonstrated hostility against me for questioning his involvement in RMAC. EDSO and County Counsel's lack of appropriate response to Public Record Act requests in this regard are indicative of the systemic EDC dysfunction. The resulting meeting request by Robyn Drivon and Paula Franz culminated in a lengthy meeting on 11/12/14 with two witnesses who accompanied me. (See Exhibit A)

Then there was the September 14, 2015 RMAC meeting. The purpose was to address Code and Law Enforcement issues pertaining to campground SUPs and various River Management Plan violations. This subject had been extensively discussed with Vickie Sanders and consultant Steve Petersen prior to the agenda being posted on the EDC website. Vickie stated that she had also consulted with Mike Ciccozzi. EDSO and CA State Parks representatives to RMAC were not present as required by the RMP.

That evening Howard Penn, Dave Martinez, Coloma Resort owners, and Chamber of Commerce members all took turns lambasting me. Three RMAC members falsely accused me of using profanity and denied me the right to speak in violation of the Brown Act. Roger Trout, Vickie Sanders, Supervisor Ranalli and an EDSO deputy standing at the back of the room witnessed the whole pre-orchestrated charade. Anticipating trouble, I requested three key witnesses attend the meeting. All of them concluded it was a very disturbing set up by the "River Mafia" under the direction of County Counsel...business as usual in El Dorado County.

Most recently during the November 20<sup>th</sup> Rural Communities Coalition Sheriff D'Agostini was the guest speaker at the Garden Valley Fire Department. As usual I audio recorded the meeting. The Sheriff encouraged citizens report to EDSO "any kind of unusual activity" or casing in their neighborhoods. Many of the attendees that evening knew I have been targeted for an unusual amount of trespassing, casing and harassment. When the opportunity presented itself I described yet another recent incident when someone parked at my gate aimed a high-powered floodlight into my home. *I also shared your remarks about eight of the 16 available deputies on the Western Slope quit EDSO to accept higher paying positions elsewhere.* The only available deputy on duty that evening was up in South Lake Tahoe. Obviously he couldn't respond so I specifically asked him to make a record of it. Subsequently I called my neighbor who showed up pronto but was unsuccessful in his attempt to



intercept the white truck headed up Mt. Murphy. The conversation morphed into the necessity for CCWs due to inadequate EDSO staffing.

The whole point of my question was, why bother calling EDSO if they don't have sufficient staff or willingness to respond? This generated quite a bit of controversy which the Sheriff didn't seem to appreciate. He claimed to have 53 deputies on duty. Sheriff John then demanded to know the name of the deputy who gave me that false information about EDSO staffing; he already knew the answer before he asked the question. I informed him privately that it was Deputy Bernie Brown. The Sheriff just glared at me without replying.

There's also the issue about your suggestion I fill out a ride-along application. I did just that but was informed Undersheriff Randy Peshon denied my ride-along. Why am I not surprised by the ensuing conversation with Sgt. Bears? (See Exhibit B)

3. *Have you ever filed any lawsuits, threatened any lawsuits, or said "I'm going to sue you?"*

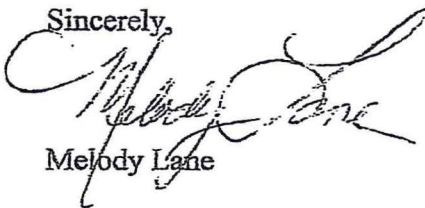
Funny how often this question keeps coming up in relation to EDSO. Most recently Sean asked this during my CCW interrogation January 7th. My answer is consistently the same: *No I have not*. However it should be mentioned I've had the benefit of working closely with legal experts in both the private and public sectors providing me in depth knowledge and confidence in the exercise of my civil liberties. I suppose some may perceive my experience and confidence to be a threat to the "status quo" of "business as usual" in EDC.

I suggest you specifically watch the Public Comment portion of Item # 32 during the 1/12/16 BOS meeting. Consent and Open Forum are equally compelling and will provide further insight into the significance of this correspondence. (See Exhibit C)

By the way, I understand from Sean my background check was received by EDSO on October 21<sup>st</sup> and my CCW permit was approved January 7<sup>th</sup>. Can you please explain why I have to wait *five weeks* until February 16<sup>th</sup> for a five minute appointment with EDSO Records just to pick up my approved CCW permit?

I'm confident the Sheriff is concerned about restoring public confidence in law enforcement. When may I expect to hear from you about finalizing these investigations and restoring my right to communicate with EDSO?

Sincerely,



Melody Lane

Enclosures:

- Exhibit A – 11/12/14 County Counsel Agenda
- Exhibit B – November 2015 Ride Along transcripts
- Exhibit C – 1/12/16 BOS Open Forum Transcript





# Compass2Truth

*Citizens Serving God in Truth and Liberty*

P.O. Box 598  
Coloma, CA 95613  
(530) 642-1670  
melody.lane@reagan.com

February 21, 2016

Sheriff John D'Agostini  
c/o Deputy Corey Engelbrektson  
El Dorado County Sheriff's Office  
300 Fair Lane  
Placerville, CA 95667

RE: Case File #15-5698 – Coloma Resort Illegal Fireworks & SUP Violations  
Case File #15-5793 – Cyberbullying - Harassment/**Identity Theft**

Dear Sheriff D'Agostini:

It is my understanding that Deputy Corey Engelbrektson is taking over Deputy Bernie Brown's investigation of the above inter-related case files while he is on medical leave. The last time I spoke with Bernie on October 8<sup>th</sup> he asked me to pray for him while on medical leave but he did not know when he would return to duty.

Although I had established a certain amount of trust in Bernie, I told him I was cognizant that County Counsel was riding interference for the Sheriff. He assured me, "*Just give him a chance.*"

Deputy Brown's investigation included interviews of individuals responsible for harassment, cyberbullying and identity theft stemming from my July 4, 2015 posting to CL News about the annual illegal fireworks, traffic jams and repeated SUP violations at the Coloma Resort. Although Deputy Gennai referred **CF15-5698** to Code Enforcement, it has fallen into the "black hole" created by County Counsel and government bureaucracy.

Despite providing EDSO contact information of witnesses, none of them were ever contacted nor was there any follow up by EDSO or Roger Trout. This is a public safety issue affecting the entire Coloma Lotus community but the silence from our government representatives has been deafening. It is unacceptable.

All river residents along the SFAR have the right to live in peace and safety. As I mentioned during the 2/18/16 RMP meeting some community members are more equal than others. See **Exhibit H** which refers to Chili Bar residents Wade v. EDC and American River Conservancy.

Claudia Wade is a county employee. She and her husband have spent over \$60,000 on legal fees fighting local government corruption. River Manager Noah Rucker-Triplet was named in the original suit. EDC counter-filed for **harassment and eminent domain**. It's all about who controls the mining, water and property rights along the SFAR. You have to pay to play their legal games and run the risk of bankruptcy.

At my request Claudia was present for the 9/14/15 RMAC meeting with three other individuals which included a retired deputy Sheriff. Mike Ranalli also was present to witness how totally out of control County Counsel



and RMAC has become. What the Wades and several other river residents have experienced is just one example. *It should be a warning to every citizen across our entire nation.*

The attached 2002 petition of signatures requesting the revocation of the American River Resort and Coloma Resort SUPs contains the names of Harry Mercado and Martin Harris that Deputy Brown claimed to have interviewed or intended to interview among others relevant to **CF15-5793**. (Refer to 1/14/16 correspondence)

I was told this matter would be referred to the IT/Forensics division of the District Attorney's office but that too has been met with silence. Danny Bear's reluctance to provide this basic information during our phone conversation last week undermines the public's confidence in law enforcement to uphold their Constitutional Oaths of Office and be responsive to citizens of EDC.

Thursday night's RMP meeting held at the Coloma Grange Hall further demonstrated the River Mafia Mob mentality has given Coloma the reputation of the "environmental belly of the beast"—words spoken by EDC Chamber of Commerce President Laurel Brent-Bumb during a BOS meeting a few years ago. Bottom line: they are a bunch of bullies drunk with power and control.

Whether CA State Parks in conjunction with BLM take over the River Management Plan or leave the RMAC Mafia Mob in total control of our valley, citizens of our river community are still left at the mercy of code and law enforcement to do their duty. As Sgt. Brown witnessed along with about ~55 community members at the Thursday evening RMP meeting, it is a waste of taxpayer's time and money to hire consultant Steve Peterson with the goal to push for an already predetermined outcome.

Sheriff, the questions that remain to be answered:

1. Who is the current EDSO representative to RMAC???
2. Why wasn't CF15-5793 referred to the District Attorney's IT/Forensic division for further investigation?
3. Why haven't I been contacted? Am I black-listed and/or under EDSO surveillance?
4. It is a waste of taxpayer's money and county resources to have a deputy come to my home just to pick up correspondence. When will you restore my right to access EDSO via email?
5. When are we going to have our "Come to Jesus" meeting with Mike Ranalli, EDSO, Roger Trout and **Compass2Truth** representatives?

I look forward to the courtesy of your immediate reply.

Sincerely,

Melody Lane

Enclosures:

1. Exhibit A – 11/12/15 @ 4:54 PM email to Trout, EDSO, County Counsel re: CF15-5698 & 5793
2. Exhibit B – 6/4/02 Coloma Resort/American River Resort SUP Revocation petition
3. Exhibit C – 8/9/12 transcript of Roger Trout/Pierre Rivas conversation re: SUP petitions
4. Exhibit D – 9/4/12 EDSO/MGDP/Planning SUP Agenda
5. Exhibit E – 10/12/15 CPRA – EDSO rep to RMAC, Oaths of Office/Ethics Training
6. Exhibit F – 12/15/15 BOS Open Forum transcript
7. Exhibit G – 10/27/15 BOS Open Forum transcript
8. Exhibit H – 5/15/15 Sweeney letter to BOS re: Wade v. EDC and ARC



Wednesday November 12, 2014 @ 10:00 AM

Robyn Drivon/Paula Franz

- I. CPRAs - FOIA
  - A. CAO - Ross Branch
  - B. Process - Coordination, logging, tracking
  - C. Spreadsheet Discrepancies
  - D. EDSO
  
- II. Brown Act – Bagley Keene Act Violations
  - A. BOS Agendas
  - B. Censoring/minimizing info.
  - C. Technical Difficulties
  
- III. Obstacles - Bureaucratic Shenanigans
  - A. Communication breakdown
  - B. Resolution 113-95 v. AB1234
  - C. Fees - Paper v. electronic copies or CD
  - D. Code/Law Enforcement inconsistencies
  - E. Diverted responses/lack of response
  
- IV. Solutions – Follow up
  - A. 10/21 CPRA presentation – publish CPRAs to government website?
  - B. Transparency/Accountability
  - C. Right-to-know v. media blackout

EXHIBIT C

# Opinion: EDC legal counsel giving bad advice

Published: February 19, 2016 By: [Larry Weitzman](#), In: [Local News](#), [Opinion](#)

By Larry Weitzman

I have read hundreds of legal arguments in my life, maybe thousands, but on Feb. 5 I read one of the most specious and poorly supported “legal arguments ever” and it was from our newly appointed interim County Counsel Michael Ciccozzi. It was as if he were arguing before the Supreme Court of the United States and he cited a small claims court decision from Ryegate, Mont., as the legal authority behind his case. In this case, Ciccozzi was attempting to defend the employment contract of our interim CAO Larry T. Combs that appears to have violated important Government Code sections.

Combs’ contract problem stems from executing an employment contract that didn’t meet the requirements of CalPERS as explained in my [recent column](#). CalPERS has strict requirements to prevent double dipping of a CalPERS annuitant, such as Combs. It was public pressure from citizens who were outraged at public officials making \$200,000 a year in retirement benefits, like Combs, and then getting another similar job effectively doubling their income. Poor Mr. Combs because of the double dipping laws is only pulling down \$300K annually. Those requirements are spelled out in Government Code Sections 21221 (h) and 21224. Two of those requirements are that an open recruitment for CAO is required before signing such a contract and that the contract have an end date.

Printed below the fold on the front page of the *Mountain Democrat* on Feb. 5 and titled “CAO contract details questioned” the news story quoted Ciccozzi who cited “a more recent CalPERS publication (April 2015) titled ‘Employment After Retirement.’” Ciccozzi wrote that the more recent document “does not require that the employment requirements of a retired annuitant include a specified end date or that the appointment be during an open recruitment.”

First, I have rarely seen a more misleading statement by a lawyer with the intent to deceive the public. While he found a CalPERS 10 page, double spaced pamphlet which listed some of the requirements for employment of retired annuitants, it didn’t list them all. But it did list all CalPERS offices and phone numbers, allowing easy access for questions. It was not a legal document nor intended to be a legal document, and it, therefore, has no legal force. It did not supersede or replace Government Code Section 21221(h), which still has the requirements of an open recruitment being required before Combs’ hiring as well as an end date in the contract. The claim that Ciccozzi implies, by the informational pamphlet, since it is later in time than the CalPERS advisory circular or the code sections, that the law has been superseded by the pamphlet and code section requirement of having an open recruitment and no end date in the contract is no longer required. Nothing could be further from the truth, GCS 21221(h) et seq. is still the law.

For Ciccozzi, that becomes a multiple edged sword. Any real defense claiming there was an open recruitment ongoing at the time the contract was executed and having an end date is now out the window as Ciccozzi says the law didn’t require that according to his “pamphlet law” and Ciccozzi knows that. His statement becomes a tacit admission that the county did not have an open recruitment or end date as required by Government Code Section 21221(h), the law as codified before and after the date of the Combs’ contract and as set forth in the current California Code. Combs’ contract speaks for itself as to having an end date. It doesn’t have one.

Trying to cover all his bases in the *Mountain Democrat* story, Ciccozzi said, “The contract will terminate when Combs reaches 960 hours in the fiscal year.” But if Combs works 959 hours in every fiscal year, it will never

EXHIBIT D



terminate so the contract is not of limited duration and still violates the code section. Code section 21221(h) still requires both contract requirements that Ciccozzi says don't exist anymore even though he speaks with a forked tongue.

Ciccozzi's cited pamphlet is not the law, was not published as a legal document and advised readers to call or check with the nearly dozen CalPERS offices throughout the state whose addresses are listed in the back of the pamphlet along with the CalPERS phone number listed prominently on every other page of the pamphlet and Ciccozzi must be aware of that.

Additionally, even after claiming an open recruitment is not required by his "pamphlet authority," Ciccozzi states pursuant to the code section the interim appointment is to be made "during recruitment for a permanent appointment" and not necessarily during an open recruitment. Perhaps Ciccozzi should read EDC personnel rules, which say without question, "All recruitment announcements will be posted on the county's website and other appropriate locations for a minimum of five days." There was no posting on the county website or anywhere else for a permanent CAO on or before this contract was executed. His statements and/or emails as published in the *Mountain Democrat* are misleading and false. Ciccozzi's only defense will be "it depends on what the definition of 'is' is."

Ciccozzi now has acquired other problems and the Board of Supervisors needs to take notice. As a lawyer you swear an oath to uphold the law of the state. For whatever reason Ciccozzi chose to misstate the law, the purpose of which is obvious, i.e., to make it appear Combs' contract is CalPERS compliant. But by doing so he also fails his employer, the EDC Board of Supervisors who need to know the law and their exposure.

With his statements in the *Mountain Democrat* the BOS has been misled about the law from their own highest ranking lawyer. That is unacceptable behavior and the BOS needs to deal with that immediately. Maybe Ciccozzi thinks that is what the BOS wants to hear or maybe he is attempting to cover for his ex-boss Robyn Drivon, who should have not approved the Combs' contract considering the requirements of the law. It's hard to say why Ciccozzi did what he did, but as to whatever he says in the future, will it be believable?

But whatever he says, he may have already violated his State Bar duty, part of which is "to support the Constitution and the laws of the United States and of this state." Perhaps we will find out. This not the first time for Ciccozzi misstating the law. This just appears to be a persistent pattern of practice.

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

*Larry Weitzman is a resident of Rescue.*

*Melody Lane*  
P.O. Box 598  
Coloma, CA 95613  
(530) 642-1670  
[melody.lane@reagan.com](mailto:melody.lane@reagan.com)

November 18, 2014

Sheriff John D'Agostini  
El Dorado County Sheriff's Office  
300 Fair Lane  
Placerville, CA 95667

**RE: EDSO CITIZEN COMPLAINTS**

Dear Sheriff D'Agostini,

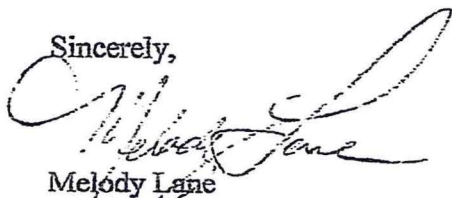
It is my right to make a formal complaint against a peace officer for any improper conduct. Enclosed you will find eight (8) formal Citizen Complaints pertaining to the El Dorado Sheriff's Office.

Rather than file these complaints separately, I believe together they provide a much more accurate and comprehensive picture of the issues that need to be addressed within EDSO. You'll recall that was the purpose of our initial meeting held in your office August 16, 2011 with Lt. Bryan Golmitz and Marshall Gold Discovery State Historic Park Superintendent Jeremy McReynolds.

The goal of every investigation is to identify and evaluate all the facts surrounding the incident in question. Additional factual documentation is available upon request for each formal complaint, including audio recordings and/or photographs. I look forward to the opportunity to present my complaint in person before a Hearing Board in the event these complaints result in any disciplinary proceedings against the employee(s).

As per your September 2010 campaign interview with CBS13, "*Me and this person (Undersheriff Rich Williams) don't have any problem with cutting somebody's head off, holding it up on a pole and parading it around and say this will not be tolerated.*" It is expected that each of these investigations will be thorough, objective and focused on maintaining public confidence and departmental integrity. It was for that specific purpose the citizens of El Dorado County elected you to office.

Sincerely,



Melody Lane

CC: District Attorney Vern Pierson

Enclosures

EXHIBIT E





# Compass2Truth

*Citizens Serving God in Truth and Liberty*

P.O. Box 598  
Coloma, CA 95613  
(530) 642-1670  
melody.lane@compass2truth.com

March 11, 2013

Sheriff John D'Agostini  
El Dorado County Sheriff's Office  
300 Fair Lane  
Placerville, CA 95667

RE: Meeting Request – Follow Up to 9/4/12 EDSO Meeting

Dear Sheriff D'Agostini,

This letter comes as a result of a lot of thought and prayer.

First of all I wish to express that we have been very supportive of you as our elected Sheriff. On the basis that you claimed to be a Constitutional sheriff the question begs to be asked: *Are you a true Constitutional Sheriff in action and in deed, or are you just claiming to be a Constitutional Sheriff in name only?*

The citizens of El Dorado County have placed a great deal of trust in you as our Sheriff, I being one of them. But I have to be honest with you that support is beginning to wane less and less every day that you refuse to meet with us. I am really at a loss as to why?

I feel that this needs to be said: *I am a good friend but I'm a worse enemy.* I want to be very clear this is not any kind of threat but a statement about me and the purposes of Compass2Truth. We have been trying to have a face-to-face good faith meeting with you for well over a month now, but to no avail. Your refusal to meet causes us great concern in the fact that it would appear you may have something to hide that might be brought up at our meeting.

The Bible says that "a good name is more valuable than great riches." My prayer is that you will see this letter in the true light that it really is. The door is still open for you to 'do the right thing' by responding accordingly to this meeting request within seven (7) days of the date of this letter.

Sincerely,

Melody Lane  
Founder - Compass2Truth  
Conservatives Serving God in Truth & Liberty

Cc: District Attorney Vern Pierson

EXHIBIT F



# Compass2Truth

*Citizens Serving God in Truth and Liberty*

P.O. Box 598  
Coloma, CA 95613  
(530) 642-1670  
Melody.lane@reagan.com

January 6, 2015

El Dorado County Grand Jury  
360 Fair Lane  
Placerville, CA 95667

## REQUEST FOR GRAND JURY INVESTIGATION OF EDSO

Dear Members of the Grand Jury,

Please find enclosed documentation substantiating a formal request for a Grand Jury investigation into the El Dorado County Sheriff's Office for abuse of the following:

- Violation of the Public Trust/Oath of Office
- Retaliation - Discrimination
- Dereliction of Duty
- Falsification of Records - Citizen Complaints
- Failure to Investigate Citizen Complaints
- Failure to Comply with CA Public Record Act/FOIA Requests
- Unjust Enrichment - AB1234/Resolution 113-95
- Title 18, Section 241 - Conspiracy Against Rights
- Title 18, Section 242 - Deprivation of Rights Under Color of Law

Should you have any questions whatsoever, please do not hesitate to contact me, (530) 642-1670. Thank you in advance for your anticipated cooperation.

Sincerely,

Melody Lane  
Founder - Compass2Truth

Enclosure: Citizen Complaint Form + Exhibits A-L

CC: DA Vern Pierson  
CA Attorney General Kamala Harris  
Sheriff Richard Mack, Oathkeepers

EXHIBIT 9





# Compass2Truth

*Citizens Serving God in Truth and Liberty*

P.O. Box 598  
Coloma, CA 95613  
(530) 642-1670  
Melody.Lane@reagan.com

December 10, 2014

District Attorney Vern Pierson  
515 Main Street  
Placerville, CA 95667

**RE: REQUEST FOR EDSO INVESTIGATION**  
**Sheriff John D'Agostini - Violation of the Public Trust & Constitutional Oath of Office**

Dear Mr. Pierson,

Thank you for meeting with us on July 10<sup>th</sup> to discuss an investigation into the above captioned matter. Enclosed you will find materials necessary to substantiate the concerns about Sheriff D'Agostini's Violation of the Public Trust. The format basically follows the agenda I provided for that meeting.

Since we last spoke more incidents have contributed to the bulk of this request for investigation. On November 11, 2014 a package containing eight (8) EDSO personnel complaints was delivered to Sheriff D'Agostini and is contained within for your reference. Together these formal complaints provide a more comprehensive picture of the EDSO dysfunction. It is disturbing that our elected officials have been unresponsive to these community concerns.

Thank you again for your patience and willingness to tackle this difficult subject. Audio CDs are available upon request for all transcripts contained herein. Should you have any questions whatsoever, please do not hesitate to contact me, (530) 642-1670.

Sincerely,

Melody Lane  
Founder - Compass2Truth

Enclosure

CC: DA Chief Investigator Bob Cosley  
EDC Grand Jury  
CA Attorney General Kamala Harris  
Sheriff Richard Mack, Oathkeepers

RECEIVED  
DEC 16 2014  
DISTRICT ATTORNEY

EXHIBIT H

A

K. Smith Open Forum BS

2/23/16

**From:** Kirk [mailto:kirkcallansmith@mindspring.com]  
**Sent:** Monday, March 30, 2015 5:04 PM  
**To:** 'Sainz, Laura'  
**Subject:** RE: Questions about Proposed El Dorado County Court House

Hi Laura,

That helps but leaves or raises some questions. Did anyone on the Judicial Council ever raise the possibility of moving the El Dorado County Court House to Rancho Cordova? If so, who raised it and when?

Is there any California county that does not have a court house in the county seat? If so, which county or counties is without a court house in their county seat.

I gather from the response below that the El Dorado County Court House project has a "project advisory committee" so for this project could you kindly tell me who are members of this committee? When was it formed? If there has been any change in the composition of the advisory committee for this project since it was created, please identify all persons who have served as a member of this body. Thank you. Kirk

Kirk Callan Smith  
PO Box 654  
3273 Sacramento Street  
Placerville, California 95667  
Phone: (530) 503-7400  
[kirkcallansmith@mindspring.com](mailto:kirkcallansmith@mindspring.com)

**From:** Sainz, Laura [mailto:Laura.Sainz@jud.ca.gov]  
**Sent:** Monday, March 30, 2015 4:08 PM  
**To:** Kirk; Judicial Council  
**Subject:** RE: Questions about Proposed El Dorado County Court House

Hi Kirk, before any new courthouse is built a review is done related to the most appropriate location. No, a courthouse is never "moved" to another county, as the other county is represented by a different superior court. From a cost and accessibility perspective, other locations within the county are considered. Every capital project has a project advisory committee, made up of local representatives and the court, that weigh in on the preferred location for any new courthouse. Hope that helps.

Laura Sainz  
Manager, Environmental Compliance and Sustainability  
916-263-7992, [laura.sainz@jud.ca.gov](mailto:laura.sainz@jud.ca.gov)

"Serving the courts for the benefit of all Californians"

**From:** Kirk [mailto:kirkcallansmith@mindspring.com]  
**Sent:** Thursday, March 19, 2015 8:43 AM



**To:** Judicial Council  
**Cc:** Sainz, Laura  
**Subject:** Questions about Proposed El Dorado County Court House

Laura Sainz [Laura.Sainz@jud.ca.gov](mailto:Laura.Sainz@jud.ca.gov)  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
cc: [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)

Re: Proposed El Dorado

County Court House

Dear Ms. Saenz:

I hope you could help local citizens get important information about this project because the City Council certainly appears deeply concerned about a growing number of Main Street business people who have publically expressed their strong sense of betrayal for both the City Council and the Board of Supervisors in not having informed them about such things as the 45 day public comment period for the draft EIR related to a matter of survival for them, the closure of our historic court house for court use. Now there are reports the city wants to have a meeting this Sunday with merchants to head off more controversy at the next public council meeting as was the case of the last council meeting. To defend their conduct, council members have said they were and are very concerned about a threatened move of our county court house to Rancho Cordova, yes, Rancho Cordova, one of the options said by some on the council to have been considered by the Judicial Council.

Please excuse me for being more than a bit skeptical, but could that ever happen? Have you ever heard that possibility raised by anyone associated with the Judicial Council or during any Judicial Council meeting? Have you heard of anyone proposing that a new Court House for El Dorado County be moved to Cameron Park, El Dorado Hills or to any location other than in the county seat, Placerville? We would also appreciate knowing whether a court house for any county in this state has been moved to a location in another county or to any place but the county seat and if so under what circumstances.

Given the growing buzz about an emergency meeting this Sunday, time is of the essence. If there is someone other than yourself who could or should answer these questions, I would appreciate you forwarding it to others authorized to answer these questions in the hope that we can learn some important facts quickly. I deeply appreciate your time and prompt attention if possible to this matter. Thank you. Kirk

Kirk Callan Smith  
PO Box 654  
3273 Sacramento Street  
Placerville, California 95667  
Phone: (530) 503-7400  
[kirkcallansmith@mindspring.com](mailto:kirkcallansmith@mindspring.com)



## Save Our Court House Petition

We, the undersigned merchants, understand that a Draft Environmental Impact Report from the California Judicial Council was available for public comment for a 45 day period that expired on December 1<sup>st</sup> and that the report concerns several possible plans for a proposed new county court house on Forni Road near the junction of Highway 50 and Placerville Drive that would involve closing the historic Main Street El Dorado County Court House to court functions. We understand that one of the factors that must be considered in that report is the potential blight that would be created by this project.

Given the substantial dependency each of our Main Street businesses have on court house traffic -- easily ranging from 5% to 20% of our income from both court visitors as well as employees -- we know that the closure of this important historic landmark would cause massive devastation to our local economy and irreparable harm to the historic character of Placerville that continues to draw visitors from all over the world, all but turning downtown into a ghost town. But we were not informed about the Draft Environmental Impact Report and our opportunity to submit crucial comments, something we would expect from those in both county and city government.

We, therefore, urge both the Placerville City Council and the El Dorado County Board of Supervisors to take all steps necessary to have the California Judicial Council reopen the comment period and take aggressive efforts to provide to us and all county residents all necessary information regarding public participation in the comment process. We also urge those in local government to do what is required to insure that a compressive study is made about ways to expand our historic court house at its present location to accommodate increased court business and address current security and access issues much as been done, for example, in Auburn and Woodland for their historic court houses of the same era.

---

Signature	Name of Business	Phone	Email Address
-----------	------------------	-------	---------------

---

Signature	Name of Business	Phone	Email Address
-----------	------------------	-------	---------------

---

Signature	Name of Business	Phone	Email Address
-----------	------------------	-------	---------------

---

Signature	Name of Business	Phone	Email Address
-----------	------------------	-------	---------------

---





**Economic &  
Planning Systems**

*Real Estate Economics  
Regional Economics  
Public Finance  
Land Use Policy*

## FINAL REPORT

# EL DORADO COUNTY JUSTICE FACILITY PROJECT ECONOMIC IMPACT ANALYSIS

Prepared for:

El Dorado County

Prepared by:

Economic & Planning Systems, Inc.

May 17, 2000

EPS # 9030

SACRAMENTO  
1750 Creekside Oaks Dr., Ste. 290 Phone: 916-649-8010  
Sacramento, CA 95833-3647 Fax: 916-649-2070  
[www.cpsys.com](http://www.cpsys.com)

BERKELEY DENVER  
Phone: 510-841-9190 Phone: 303-575-8112  
Fax: 510-841-9208 Fax: 303-623-1294





## CONTACT INFORMATION

### El Dorado County Justice Facility Project May 17, 2000

This final report was prepared by Economic & Planning Systems, Inc., (EPS) a firm that specializes in real estate economics, regional economics, public finance, and land use policy. The report (EPS Project # 9030) was commissioned by El Dorado County

Walter Kieser served as principal-in-charge and oversaw all aspects of the assignment. Jamie Gomes, senior associate and project manager, conducted the economic impact analysis.

The analyses, opinions, recommendations, and conclusions of this report are EPS's informed judgement based on market and economic conditions as of the date of this report. Changes in the market conditions and/or the economy could change or invalidate the conclusions contained herein. The contents of this report are based, in part, on data from secondary sources. While it is believed that these sources are accurate, EPS cannot guarantee their accuracy. The findings herein are based on economic considerations and, therefore, should neither be construed as a representation nor opinion that government approvals for development can be secured. Conclusions and recommended actions contained within this report should not be relied upon as sole input for final business decisions regarding current and future development and planning, nor utilized for purposes beyond the scope and objectives of the current study.

Questions regarding the information contained herewith should be directed to:

Walter Kieser  
Principal-in-Charge

*or*

Jamie Gomes  
Project Manager

Economic & Planning Systems

1750 Creekside Oaks Drive, Suite 290  
Sacramento, CA 95833-3640  
(916) 649-8010 Phone  
(916) 649-2070 Facsimile





## TABLE OF CONTENTS

---

	<u>PAGE</u>
I. INTRODUCTION .....	1
Project Description .....	1
Purpose of the Study .....	1
Findings .....	3
Organization of the Report.....	3
II. PLACERVILLE MAIN STREET COURTHOUSE .....	4
Setting.....	4
Facilities to be Vacated.....	7
Potential Re-use of Facilities.....	9
Potential Economic Impacts .....	11
III. CAMERON PARK AND BUILDING "C" COURT FACILITIES .....	20
Description of Facilities and Anticipated Re-use .....	20
Potential Economic Impacts .....	20





## LIST OF FIGURES

---

	<u>PAGE</u>
Figure 1 El Dorado County Justice Facility Project Proposed Site Plan .....	2
Figure 2 Taxable Sales Comparison.....	5
Figure 3 Downtown Placerville Boundaries .....	6
Figure 4 Land Use Summary and Building Square Footage .....	8
Figure 5 Summary of Major Vacant Buildings in Downtown Placerville .....	10
Figure 6a Estimated Weekly Spending on Food and Drink - Alternative 1 .....	15
Figure 6b Estimated Weekly Spending on Food and Drink - Alternative 2.....	16
Figure 7 Sales Tax Revenue from Food Sales.....	17
Figure 8 Estimated Taxable Sales in Downtown Placerville.....	18
Figure 9 Downtown Placerville Survey Summary Data.....	19





## I. INTRODUCTION

---

El Dorado County is in the process of preparing an Environmental Impact Report for the proposed El Dorado County Justice Facility Project (Justice Facility Project). The proposed Justice Center, off of Forni Road, will consolidate court and other justice-related facilities currently located in Cameron Park and downtown and central Placerville. To complement the EIR, El Dorado County has asked Economic and Planning Systems, Inc. (EPS) to prepare a report analyzing the potential economic impacts on Cameron Park, the City of Placerville, and Downtown Placerville businesses assuming the proposed Justice Facility Project is completed.

### PROJECT DESCRIPTION

The Justice Facility Project includes the consolidation and relocation of the El Dorado County Court Facilities, Sheriff Facility, Juvenile Hall, Law Library, Public Defender, and District Attorney, along with an expansion of the County Jail. **Figure 1** shows the proposed site plan. The project is located at the existing County Jail site, south of U.S. Highway 50 near the Forni Road/Placerville Drive intersection with U.S. Highway 50.

The project is planned to be completed in three phases. The first phase (Phase 1), to be completed by July 2001, includes the relocation of the Juvenile Hall facilities in the County Government Center to a structure on the southeastern portion of the project site. Phase 2 is the focus of this report, and includes the relocation of the El Dorado County Courts, Sheriff, District Attorney, Public Defender's Office, and Law Library. It is expected that Phase 2 will be completed in 2002. Phase 3, to be completed by 2010, involves construction of the second phase of the Juvenile Hall and Jail facilities.

### PURPOSE OF THE STUDY

Completion of the Justice Facility Project will result in the relocation of court and court-related facilities from Cameron Park, downtown Placerville, and the El Dorado County Government Center. The purpose of the study is to analyze the potential economic impact in each of the areas. The primary focus of this analysis is on the potential economic impacts on the City of Placerville, specifically downtown Placerville as the District Attorney's Office, Public Defender, Law Library and Main Street Courthouse relocation will result in the greatest loss of employees and visitors from a single area. The other areas will experience smaller impacts due to lower concentrations of employees and visitors.





The analysis of the overall economic impact on the City will be general in nature, measuring the potential impacts broadly. Alternatively, the analysis of the economic impact on downtown Placerville will focus on nearby businesses and will include a summary of a downtown business survey.

## **FINDINGS**

Based on the estimated change in employees and visitors resulting from the proposed project, the following findings have been made for each of the areas analyzed.

### CITY OF PLACERVILLE

The City of Placerville will not experience a negative economic impact from the Phase 2 Facilities Court relocation. Sales generated by court employees and jurors will continue to be substantially captured by businesses within the City.

### DOWNTOWN PLACERVILLE

Downtown Placerville will experience a negative economic impact from the Phase 2 court relocation. The magnitude of the impact on downtown overall is projected to be minor; however, the impact is more severe on individual businesses. This is particularly true for the restaurant, bakery, and coffee shops located in close proximity to the courthouse.

### CAMERON PARK AND BUILDING "C"

Relocation of the courts from Cameron Park and Building "C" is unlikely to cause a negative economic impact in either of these areas. Anticipated re-use of each of the facilities ensures the economic impact is at least neutral. Future phases of the project do not affect either of these locations.

## **ORGANIZATION OF THE REPORT**

This report is divided into three sections. Following this Introduction, **Chapter II** describes the economic impact of the Placerville Main Street Courthouse relocation. **Chapter III** discusses the economic impacts on Cameron Park and the City of Placerville from the proposed court relocations.

## II. PLACERVILLE MAIN STREET COURTHOUSE

---

### SETTING.

The City of Placerville and downtown Placerville have certain characteristics that influence how each will be affected by the economic impacts of the proposed court relocation. A brief description of each of the areas will help support the conclusions of the analysis.

#### CITY OF PLACERVILLE

As a stopping point for many people traveling between Sacramento or San Francisco and Lake Tahoe, the City of Placerville benefits from retail spending by visitors. **Figure 2** is a comparison of per capita sales tax income from similarly sized cities in the Sacramento, Placer, and El Dorado County region plus the State of California and the unincorporated area of El Dorado County.

Per capita taxable sales in the City of Placerville are higher than comparable cities, almost twice that of the State average, and over four times that of unincorporated El Dorado County. These significantly higher per capita taxable sales indicate the City of Placerville experiences a net inflow of taxable sales as compared to an area that has significantly lower per capita sales relative to comparable cities and the State average. In its immediate area, the data indicates that the City of Placerville attracts the majority of sales from both unincorporated residents as well as tourists and travelers.

#### DOWNTOWN PLACERVILLE

The Downtown Placerville area, shown in **Figure 3**, is located along the Main Street corridor bordered on the west by Rector Street and on the east by the intersection of Main Street and Cedar Ravine. In recent years, business owners, property owners, and members of the Placerville Downtown Association have taken a proactive approach towards the revitalization of downtown.

The downtown business owners have created a Parking and Business Improvement Act Plan (PBIA) and the property owners are in the process of creating a Property and Business Improvement District (PBID). Each of these districts will fund improvements intended to improve the appearance and appeal of downtown.

**Figure 3** shows the location of restaurant, retail, and service businesses downtown as well as the relative distance of these businesses from the courthouse. Each sub-zone equals approximately one-tenth of a mile.



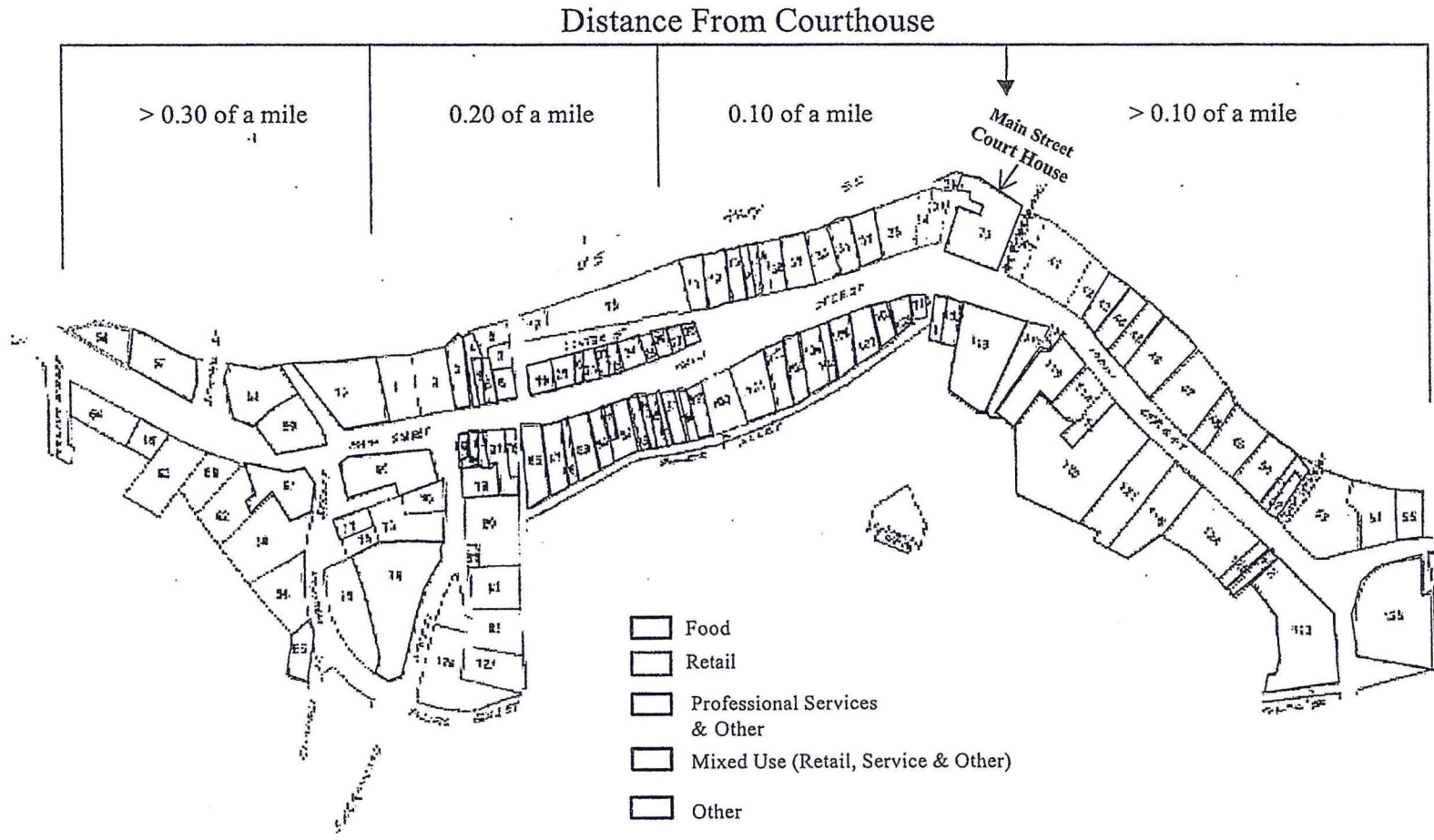
**Figure 2**  
**El Dorado County Justice Facility Project**  
**Taxable Sales Comparison**

	State of California	El Dorado County		Comparable Sized Cities to Placerville			
		Placerville	Unincorporated	Auburn	Galt	Lincoln	Loomis
1999 D.O.F. Population	33,773,466	9,287	118,539	11,595	17,185	8,763	6,006
<b>1998 Taxable Sales</b>							
Retail Stores	\$229,347,898,000	\$153,691,000	\$340,459,000	\$142,813,000	\$41,894,000	\$24,552,000	\$26,951,000
All Other Outlets	\$129,336,873,000	\$42,291,000	\$247,292,000	\$56,134,000	\$17,236,000	\$28,464,000	\$18,761,000
<b>Total All Sales</b>	<b>\$358,684,771,000</b>	<b>\$195,982,000</b>	<b>\$587,751,000</b>	<b>\$198,947,000</b>	<b>\$59,130,000</b>	<b>\$53,016,000</b>	<b>\$45,712,000</b>
<b>Taxable Sales Per Capita</b>	<b>\$10,620</b>	<b>\$21,103</b>	<b>\$4,958</b>	<b>\$17,158</b>	<b>\$3,441</b>	<b>\$6,050</b>	<b>\$7,611</b>

*"taxable\_sales"*

Source: CA Department of Finance and the State Board of Equalization.

**Figure 3**  
**El Dorado County Justice Facility Project**  
**Downtown Placerville Boundaries (Management District Boundaries -PBIA)**





Downtown Placerville has several unique antique, clothing, and specialty gift shops. The size of these retail shops ranges from 500 to 20,000 square feet. In addition to retail stores, downtown also has several restaurants, bars, and cafes. **Figure 4** shows the mix of development based on occupied square footage.

## **FACILITIES TO BE VACATED**

Phase 2 of the Project will relocate court functions from the Main Street Courthouse to the proposed Justice Center. The Main Street Courthouse is a stand-alone three-story building containing 18,360 square feet of usable space. The building was constructed in 1911, remodeled in 1969, and had asbestos removed from portions of the building in 1998.

Phase 2, scheduled for completion in 2002, will relocate 42 full-time court employees from downtown Placerville to the new Justice Center. In addition to court employees, 100 jurors on Tuesday mornings, and 25-30 jurors plus court visitors on Tuesdays through Thursdays will no longer be at the downtown facility.

Phase 2 of the Project will also relocate the Main Street Public Defender's Office, District Attorney's Office, and Law Library. The Public Defender's Office, District Attorney's Office, and Law Library contain approximately 2,200, 1,700, and 6,000 sq. ft. of usable space respectively. The relocation of these offices result in the loss of 40 additional employees from downtown Placerville.

## IMPACT ON NEARBY LAW OFFICES

In addition to the court facilities in downtown Placerville, EPS identified eight attorney's offices located within three-tenths of a mile of the Main Street Courthouse. Based on a telephone survey of downtown attorneys, each (approximately 60 percent response rate) stated they do not plan to move their offices if the court relocates. Common reasons for planning to remain downtown include:

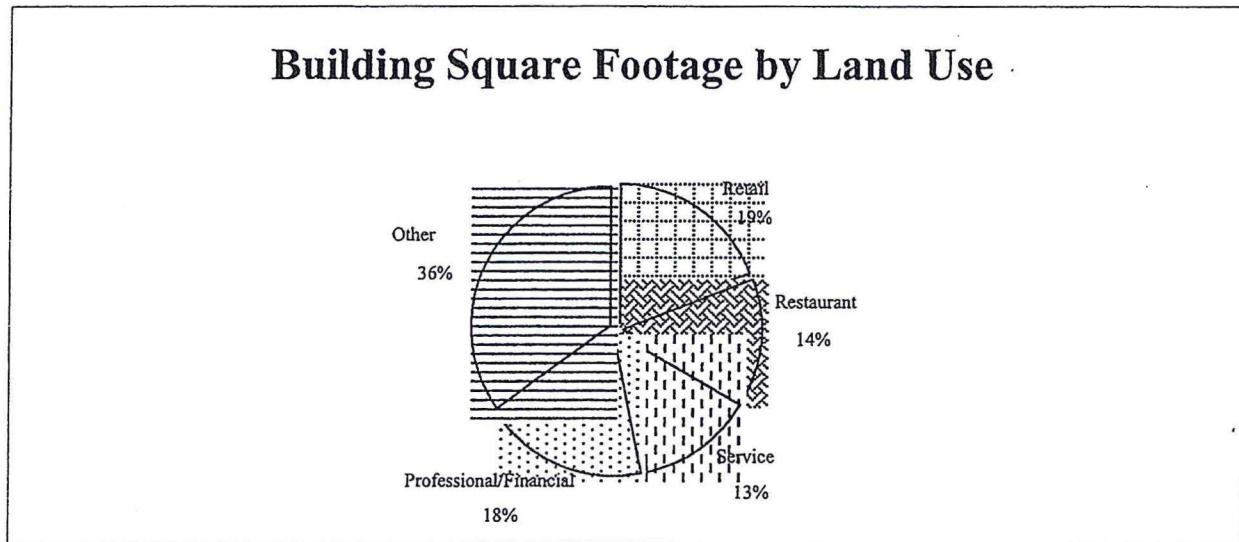
- Nearness to proposed Justice Center.
- Lack of available office space near the new court. (Construction of office space near the Justice Center could change this fact.)
- Suitability of the downtown location.

With the attorneys planning to stay downtown, the net economic impact from the court relocation will come from the loss court and court-related employees, jurors, and court visitors. There is a possibility, however, that the lawyers could move if there is adequate office space provided near the new justice center.

**Figure 4**  
**El Dorado County Justice Facility Project**  
**Land Use Summary and Building Square Footage**

Use	Building Sq. Ft.	% of Total	Land Use Description
Retail	[1] 122,392	19%	Businesses that buy and resell goods.
Restaurant	89,923	14%	Businesses selling prepared food & drinks.
Service	85,113	13%	Businesses selling non-retail goods & services.
Professional / Financial	115,925	18%	Includes attorneys, architects, designers, doctors, banking & savings and loan institutions.
Other [2]	223,266	35%	Includes lodging, contractor/builders, manufacturing & productions.
<b>Total</b>	<b>636,619</b>	<b>100%</b>	

"land\_use"



[1] Square footage by type estimated. Many parcels have mixed uses on them which makes it difficult to define the actual square footage of each use per parcel.

[2] Includes all other uses, plus any unidentified uses.

Source: Placerville Parking and Business Improvement Association (PBIA) and EPS.



## **POTENTIAL RE-USE OF FACILITIES**

Re-use of the vacated court facilities will be a function of demand for and supply of office and retail space in downtown Placerville. In the case of the courthouse, the unique nature of the building and list of recommended repairs will also make re-use dependent upon the ability to find a suitable user for the building.

The City of Placerville and the County of El Dorado have had preliminary discussions about the future re-use of the courthouse. The City of Placerville has expressed interest in moving into the space for use as City Hall. Each party believes a joint effort between the City and County may be necessary to generate sufficient revenue to rehabilitate the building for re-use. In any event, City of Placerville staff indicates the City will not occupy the court before Fiscal Year 2004-05.

If the court was rehabilitated and used as a new City Hall, the former City Hall would have potential for re-use. If another user were to locate in the former City Hall, downtown Placerville would experience a net economic gain. A mere movement of City employees from one downtown building to another will not mitigate potential negative impacts of the move without re-use of the vacated facilities.

## **DOWNTOWN PLACERVILLE OFFICE AND RETAIL MARKET**

According to the City of Placerville, downtown Placerville currently has approximately 26,000 square feet of available space in three buildings. A list of major vacant office and retail space in downtown Placerville is shown in **Figure 5**. This square footage estimate is for combined office and retail space. The estimate is combined because some former office space is best suited for retail use.

According to a local commercial real estate broker with Caldwell Banker, the large amount of vacant space in downtown Placerville is atypical for the downtown. The relatively high vacancy is due to several factors that include:

- The large size of each of the vacant buildings (difficult to fill with one user).
- A large downtown tenant deciding to relocate.
- Lack of aggressive marketing. The amount of space currently available and the length of time it has been on the market are more a function of special circumstances rather than a lack of demand for space downtown.

In addition, the old downtown movie theatre, which sat vacant for a number of years, has been converted to a larger retail space. This addition of retail space could also be a factor in overall retail vacancies.

**Figure 5**  
**El Dorado County Justice Facility Project**  
**Summary of Major Vacant Buildings in Downtown Placerville**

Location	Approximate Available Sq. Ft.	Use	Description
398 Main St.	13,000	Retail/Office	Large building, difficult for one retail tenant to occupy
263 Main St.	6,300	Office/Retail	Two levels. Bottom floor best utilized for retail, but currently configured as office space. Cost to convert to retail may be an issue.
El Dorado Savings Bldg.	6,300	Office	Three levels. Approximately 3,000 sq. ft. recently leased.
<b>Total</b>	<b>25,600</b>		

"vacant"

Source: City of Placerville and Caldwell Banker Real Estate



## SPECIAL ISSUES WITH MAIN STREET COURTHOUSE FACILITY

Aside from the market for office and retail space downtown, the condition of the Courthouse building and cost of needed repairs may preclude its immediate re-use. The El Dorado County General Services Department roughly estimates a total of \$1,000,000 in necessary repairs for building re-use. The rehabilitation cost will limit the possibility of any private re-use of the Main Street Courthouse.

The Phase 2 economic impact analysis assumes the Main Street Courthouse will remain vacant from when it is vacated in 2002 until at least 2004. It is possible the City of Placerville will occupy the building at some time following 2004. Use of the building on an interim basis is possible for ongoing court functions or use by the City or non-profit entities. To the extent that the facility is utilized by existing downtown agencies, the overall impact of the move will be unchanged.

## **POTENTIAL ECONOMIC IMPACTS**

### METHODOLOGY

EPS used the following methodology in assessing the potential economic impacts on downtown and the City of Placerville from the proposed Justice Center project:

- Physical assessment of Court facilities to be vacated.
- Walking tour of downtown Placerville to assess tenant mix and supply of vacant office and retail space.
- Surveys of downtown Placerville businesses.
- Telephone survey of attorneys with downtown Placerville offices.
- Discussion of impacts on downtown Placerville with the Placerville Downtown Association.
- Discussion of impacts on the City of Placerville with City staff.
- Evaluation of historical sales tax revenues in the City.

The net economic impact of the Main Street Court relocation is based upon the occupancy or vacancy of the court following the move as well as the possible loss of other businesses that work directly with the courts. The economic impact analysis will focus on the impact on both the City of Placerville and downtown Placerville.

### CITY OF PLACERVILLE

The net economic impact on the City of Placerville is projected to be negligible. Although the courts are relocating out of downtown, the new Justice Center is within the City limits. In addition, the retail areas along Forni Road, Placerville Drive, and Fair

Lane that are expected to gain much of the court-related business are all located within the City limits. As a result, the City of Placerville should experience very little loss in total taxable sales from the Phase 2 facilities relocation. The City does have an economic and social interest in a vibrant downtown; therefore, the City will feel impacts from impacts on downtown.

### DOWNTOWN PLACERVILLE

Downtown Placerville is projected experience a negative economic impact from the court relocation due to the loss of court-related employees and visitors. The following sections describe these impacts.

#### **Impacts to Downtown**

##### Spending on Food and Beverages

**Figures 6-A and 6-B** show the estimated overall loss in demand for food and beverage spending if the Court relocates to the Justice Center. Based on EPS's survey of downtown businesses, the demand analysis assumes the following occurs *every day*.

- 50 percent of court employees and 100 percent of jurors and court visitors generate spending on food at lunch and breaks.
- Average spending is \$2.50 during breaks and \$6.50 during lunch.
- **Alternative 1** assumes that downtown will lose 100% of the employee, juror, or visitor related business after the courts have relocated. **Alternative 2** assumes 50% of the employees and 25% of the jurors will continue to visit downtown businesses.

Estimated impacts on taxable food sales, shown in **Figure 7**, are as follows:

##### Alternative 1

- Estimated loss in taxable food sales equals \$4,000 per week or \$208,000 per year.
- Estimated loss in annual sales tax revenues of \$2,100. This is less than a 1.5 percent loss in the estimated taxable sales and sales tax revenues (See **Figure 8**) in the downtown area.

##### Alternative 2

- Estimated loss in taxable food sales equals \$2,650 per week or \$137,800 per year.
- Estimated loss in annual sales tax revenues of \$1,400. This is less than a 1.0 percent loss in the estimated taxable sales and sales tax revenues (See **Figure 8**) in the downtown area.

Under either alternative, the relative loss of taxable sales and sales tax income to downtown is not significant.



### Other Retail Spending

Downtown Placerville has many unique retail establishments that cater to a wide range of customers. The unique nature of many downtown businesses contributes to their ability to draw customers from outside of the immediate area.

The impact to retail businesses from the loss of court and other County related functions will vary depending upon the size and type of business. Businesses that rely on casual shopping purchases (i.e., magazines, books, cards, etc.) will likely experience a reduction in sales from the loss of employees downtown; however, no data on retail spending habits of court and court-related employees is available. Overall, the impact to downtown taxable sales from this loss is expected to be minimal.

Alternatively, other businesses that rely on specialty purchases such as gifts, antiques, clothes, etc., may experience little to no reduction in sales. Many of the court and other County employees and visitors are familiar with the offerings of downtown retail establishments and will likely continue to patronize these businesses. In summary, the overall net economic impact, measured in terms of lost taxable sales, will not be substantial in downtown Placerville.

### **Individual Business Impacts**

The economic impact is likely to be more significant from the perspective of certain food and beverage business owners. Loss of business from court employees and visitors could result in the closure of smaller businesses located closest to the courthouse and whose vitality depends largely upon court-related patrons.

With the help of the Placerville Downtown Association, EPS surveyed downtown business about the proposed court relocation. The survey gathered information about the perceived economic impact on downtown merchants.

**Figure 9** summarizes the survey responses. *It is important to note that the dollar figures shown are self-reported estimates provided by the survey respondents.* Survey responses indicate the following general conclusions:

- Small retail stores, restaurants and cafes located within one-tenth of a mile from the court anticipate losing between 15 and 75 percent of overall sales revenue. This may result in the closure of some of these smaller businesses.
- Stores and restaurants within two-tenths of a mile from the court estimate the potential loss of 15 to 40 percent of overall sales.
- Stores and restaurants located greater than two-tenths of a mile from the court estimate the potential loss in sales of less than 5 percent.

The net economic impact of the court relocation is more significant to the individual business owner as compared to downtown overall.

*El Dorado County Justice Facility Project  
Economic Impact Analysis  
Final Report - 05/17/00*

In addition to the estimated loss in sales, most business owners are concerned about how the court relocation will affect the character of downtown. Many feel the courthouse represents one of the major landmarks downtown. Merchants believe having such a major landmark remain vacant may change the character and feel of downtown Placerville. While this effect can not be quantified, it can have a negative effect upon downtown. If businesses perceive a declining image for downtown they may choose to close or relocate.



Figure 6A  
 El Dorado County Justice Facility Project  
 Estimated Weekly Loss in Spending on Food and Drink

<b>Relocated Phase 2 Facilities</b> <b>Alternative 1: Loss of 100% of Employee Business</b>
--

Item	Monday	Tuesday	Wednesday	Thursday	Friday	Total
Number of Court Employees [1] % who eat out of office	82 50%	82 50%	82 50%	82 50%	82 50%	
Estimated spending at break @ \$2.50 per visit	\$100	\$100	\$100	\$100	\$100	\$500
Estimated spending at lunch @ \$6.50 per visit	\$270	\$270	\$270	\$270	\$270	\$1,350
<b>Subtotal Estimated Spending by Court Employees</b>	<b>\$370</b>	<b>\$370</b>	<b>\$370</b>	<b>\$370</b>	<b>\$370</b>	<b>\$1,850</b>
Number of Jurors [2] % who eat out of office	0 0%	100 100%	28 100%	28 100%	28 100%	
Estimated spending at break @ \$2.50 per visit	\$0	\$250	\$70	\$70	\$70	\$460
Estimated spending at lunch @ \$6.50 per visit	\$0	\$650	\$180	\$180	\$180	\$1,190
<b>Subtotal Estimated Spending by Jurors</b>	<b>\$0</b>	<b>\$900</b>	<b>\$250</b>	<b>\$250</b>	<b>\$250</b>	<b>\$1,650</b>
Number of Court Visitors [3] % who eat out of office	10 100%	10 100%	10 100%	10 100%	10 100%	
Estimated spending at break @ \$2.50 per visit	\$30	\$30	\$30	\$30	\$30	\$150
Estimated spending at lunch @ \$6.50 per visit	\$70	\$70	\$70	\$70	\$70	\$350
<b>Subtotal Est. Spending by Court Visitors</b>	<b>\$100</b>	<b>\$100</b>	<b>\$100</b>	<b>\$100</b>	<b>\$100</b>	<b>\$500</b>
<b>Total Estimated Court Related Spending on Food</b>	<b>\$470</b>	<b>\$1,370</b>	<b>\$720</b>	<b>\$720</b>	<b>\$720</b>	<b>\$4,000</b>

"est\_spnd"

- [1] Total court employees provided by El Dorado County.
- [2] Juror information obtained from El Dorado County Courts. Jurors are not always present on Fridays.
- [3] Estimated number of daily visitors.

Note: Figures are rounded.

**Figure 6B**  
**El Dorado County Justice Facility Project**  
**Estimated Weekly Loss in Spending on Food and Drink**

<b>Relocated Phase 2 Facilities</b> <b>Alternative 2: Loss of 50% of Employee Business</b> <b>&amp; 75% Loss of Juror Business</b>
--

Item	Monday	Tuesday	Wednesday	Thursday	Friday	Total
Number of Court Employees [1]	41	41	41	41	41	
% who eat out of office	50%	50%	50%	50%	50%	
Estimated spending at break @ \$2.50 per visit	\$50	\$50	\$50	\$50	\$50	\$250
Estimated spending at lunch @ \$6.50 per visit	\$130	\$130	\$130	\$130	\$130	\$650
<b>Subtotal Estimated Spending by Court Employees</b>	<b>\$180</b>	<b>\$180</b>	<b>\$180</b>	<b>\$180</b>	<b>\$180</b>	<b>\$900</b>
Number of Jurors [2]	0	75	21	21	21	
% who eat out of office	0%	100%	100%	100%	100%	
Estimated spending at break @ \$2.50 per visit	\$0	\$190	\$50	\$50	\$50	\$340
Estimated spending at lunch @ \$6.50 per visit	\$0	\$490	\$140	\$140	\$140	\$910
<b>Subtotal Estimated Spending by Jurors</b>	<b>\$0</b>	<b>\$680</b>	<b>\$190</b>	<b>\$190</b>	<b>\$190</b>	<b>\$1,250</b>
Number of Court Visitors [3]	10	10	10	10	10	
% who eat out of office	100%	100%	100%	100%	100%	
Estimated spending at break @ \$2.50 per visit	\$30	\$30	\$30	\$30	\$30	\$150
Estimated spending at lunch @ \$6.50 per visit	\$70	\$70	\$70	\$70	\$70	\$350
<b>Subtotal Est. Spending by Court Visitors</b>	<b>\$100</b>	<b>\$100</b>	<b>\$100</b>	<b>\$100</b>	<b>\$100</b>	<b>\$500</b>
<b>Total Estimated Court Related Spending on Food</b>	<b>\$280</b>	<b>\$960</b>	<b>\$470</b>	<b>\$470</b>	<b>\$470</b>	<b>\$2,650</b>

"est\_spnd"

[1] Total court employees provided by El Dorado County.

[2] Juror information obtained from El Dorado County Courts. Jurors are not always present on Fridays.

[3] Estimated number of daily visitors.

Note: Figures are rounded.



**Figure 7**  
**El Dorado County Justice Facility Project**  
**Estimated Annual Loss in Spending and**  
**Sales Tax Revenue from Food Sales**

Item	Alternative 1 100% Employee & Juror Loss	Alternative 2 50% Employee Loss 75% Juror Loss
Estimated Weekly Loss in Food and Beverage Sales	\$4,000	• \$2,650
Number of Weeks per Year	52	52
<b>Estimated Annual Loss in Food and Bev. Sales</b>	<b>\$208,000</b>	<b>\$137,800</b>
Sales Tax Rate	0.01	0.01
<b>Estimated Annual Loss in Sales Tax Revenue from Food and Beverage Sales</b>	<b>\$2,100</b>	<b>\$1,400</b>
Estimated Total Retail Sales Tax Revenue from Downtown Placerville - (See Figure 8)	\$146,900	\$146,900
<b>Percentage loss in Sales Tax Revenue</b>	<b>1.43%</b>	<b>0.95%</b>

"annual"

Note: Figures are rounded

Source: Placerville Parking and Business Improvement District,  
State Board of Equalization and EPS.

**Figure 8**  
**El Dorado County Justice Facility Project**  
**Estimated Taxable Sales from Downtown Placerville [1]**

Type of Business	Estimated Businesses Downtown	Citywide Average Taxable Sales per Business	Estimated Taxable Sales Downtown	Estimated Sales Tax Generated Downtown
	[2]	[3]		@ 1% of sales
<b>Retail Stores</b>				
Apparel	6	\$134,727	\$808,400	\$8,100
Eating and Drinking Est.	25	\$307,613	\$7,690,300	\$76,900
Home Furnishings and Appliances	9	\$153,452	\$1,381,100	\$13,800
Other Retail [4]	33	\$145,794	\$4,811,200	\$48,100
<b>Total</b>	<b>73</b>		<b>\$14,691,000</b>	<b>\$146,900</b>

"downtown\_sales"

Note: Figures are rounded.

- [1] Estimated based on number of downtown businesses multiplied by the average taxable sales per business from 1998 State Board of Equalization taxable sales information.
- [2] Estimates based on PBIA business identification and EPS estimates. The number of all other outlets is a rough estimate.
- [3] Citywide average determined by dividing the total taxable sales per business by the number of permitted businesses that generated the taxable sales.
- [4] Includes estimated taxable sales for single hardware store based on citywide average.

Source: Placerville Parking and Business Improvement District, State Board of Equalization, and EPS.



Figure 9  
 El Dorado County Justice Facility Project  
 Downtown Placerville Survey Summary Data

Type of Business	Proximity to Courthouse (miles)	Estimated # of Court Related Visitors per Day	Average Spending per Patron	When Spending Occurs	Estimated % of Court Related Business Lost	Estimated % of Overall Business Lost
<b>Restaurants, Cafes, and Bars</b>						
Restaurant	0.1	5-10	\$10.00	All Day	95%	15%
Coffee House	0.1	45-60	\$4.50	All Day	100%	75%
Restaurant	0.1	25-40	\$5.00	Lunch	95%-100%	40%
Coffee House	0.1	10-20	\$10.00	Lunch	25%	20%
Restaurant	0.1	quite a few	\$6.00	Lunch	hard to say	15%
Restaurant	0.1	25-30	\$9.00	Lunch	15%-30%	15%-30%
Restaurant	0.1	quite a few	\$8.00	Lunch	10%	<1%
Restaurant	0.1	10-15	\$6.00	Lunch	almost all	hard to say
Coffee House	0.1	hard to say	\$3.50	All Day	some	hard to say
Restaurant	0.1	hard to say	\$8.00	All Day	30%	35%
Restaurant	0.1	none	no answer	Dinner	no answer	no answer
Restaurant	0.2	12-15	\$5.50	Lunch	100%	hard to say
Restaurant	0.2	hard to say	\$20.00	Lunch	some	hard to say
Restaurant	0.2	10-15	\$3.50	All Day	90%	5%
Cafe/Rest.	0.2	7-10	\$6.00	All Day	100%	10%
Bar	0.2	30 or more	\$12.50	Lunch / Dinner	90%	40%
Bar	0.3	5-10	\$7.50	All Day	100%	30%
Restaurant	0.3	no idea	can not say	All Day	no answer	no answer
Restaurant	0.3	10	\$6.52	Lunch	probably all	1%-2%
Restaurant	0.3	12	\$7.66	Lunch	4%-5%	1%-2%
Restaurant	0.3	very few	\$8.50	Dinner	no answer	no answer
<b>Retail and Services</b>						
Retail	0.1	20	\$30.00	Lunch	100%	<1%
Retail / Gift	0.1	20	\$10.00	Lunch, Breaks	100%	50%
Retail	0.1	5	\$25.00	Lunch	all	no answer
Clothing	0.1	5	\$15.00	Lunch, Breaks	100%	30%
Photos Service	0.1	none	no answer	no answer	no answer	no answer
Retail	0.1	no answer	no answer	All Day	100%	no answer
Gifts	0.1	20-30	\$35.00	Lunch, Breaks	25%	20%
Title / Escrow	0.1	no answer	no answer	no answer	no answer	no answer
Clothing	0.2	almost none	no answer	no answer	no answer	no answer
Jewelry Store	0.2	5	no answer	Breaks	<.05%	<.05%
Art Framing	0.2	no answer	no answer	Lunch	no answer	no answer
Bookstore	0.2	5	\$9.00	Lunch, Breaks	almost all	2-3%
Retail	0.2	no answer	\$12.50	Lunch	almost all	3%-4%
Bookstore	0.2	20-30	\$25.00	Lunch	80%	<2%
Retail	0.2	no answer	no answer	no answer	no answer	no answer
Art / Gifts	0.3	very few	very little	no answer	very little	1-2%
Services	0.3	maybe 1	\$10.00	Lunch	no answer	no answer
Services		2 a week	\$28.00	Lunch, Breaks	30%	no answer

"survey\_data"

Source: EPS survey of downtown businesses with the help of the Placerville Downtown Association.





### III. CAMERON PARK AND BUILDING "C" COURT FACILITIES

---

#### **DESCRIPTION OF FACILITIES AND ANTICIPATED RE-USE**

##### CAMERON PARK COURT

The Cameron Park Court was constructed in 1983. The courthouse contains one courtroom and approximately 5,600 square feet of usable space. The building is in good condition and may be re-used by another user upon vacancy by the County Courts.

The Cameron Park Community Services District (Cameron Park CSD) is currently in negotiations with El Dorado County to purchase or lease the Cameron Park Court. It is likely, barring any unforeseen circumstances, that the Cameron Park CSD will occupy the court once the County has relocated to the Justice Center. The Cameron Park CSD will house approximately eight employees in the building resulting in no net loss of employees.

The only other potential economic consequence of the court relocation from Cameron Park would be the relocation of court-related attorney's offices near the court. EPS has identified at least four attorney's offices near the Cameron Park Court. In repeated attempts, EPS was unsuccessful in reaching these attorneys by telephone to assess their plans to move with the courts. It is not known how the court relocation will influence the attorneys' decision to stay in their current location or relocate; however, if all four attorney's offices near the court were to relocate from Cameron Park, it is likely there would be a minimal economic impact on the area.

##### BUILDING "C" COURT FACILITIES

The El Dorado County Courts currently occupy approximately 17,500 square feet of space in Building "C" in the El Dorado County Government Center. There are currently 27 court employees who work in Building "C". Existing County departments within Building "C" will occupy the space vacated by court employees. There will be no net change in employees from the existing departments expanding into the vacated space.

#### **POTENTIAL ECONOMIC IMPACTS**

There is no negative economic impact from the court relocations expected. If the Cameron Park CSD occupies the Cameron Park Court, there will be no net loss in employees in this area. It is also anticipated that any economic impacts from court-related business relocations will be minimal.

*El Dorado County Justice Facility Project  
Economic Impact Analysis  
Final Report - 05/17/00*

The court relocations from Building "C" will not have a negative economic impact upon the City of Placerville because the employees are being relocated within the City and nearby.

The areas around Cameron Park and Building "C" will not experience an economic impact from future phases of the Justice Facility Project because all of the court facilities will relocate during Phase2.

S. Taylor Open Forum BOS 2/23/14

Discussion:

The election process in California requires that the ballot title and question must reflect the character and real purpose of the proposed measure. (EC § 9105 and *Widders v Furchtenicht* (2008) 167 Cal.App.4<sup>th</sup> 769, 781 [interpreting identical provisions for City elections].)

The proposed ballot questions for both of the measures are so vague that they do not meet the requirement of reflecting the character and purpose of the measures.

Proponents' proposed ballot questions provide concise, impartial description of the real purpose of the proposed measures.

If a ballot question violates the Elections Code, the proponents may seek a writ from the Superior Court on an expedited basis. If the petitioner can show by clear and convincing evidence that the ballot question is not a true and impartial statement of the purpose of the measure, then the court may revise the ballot question.

It can be argued that the draft ballot questions prepared by County Counsel provide almost no information about the purpose of the measures.

#17



(Initiative to Reinstate Measure Y's original intent)

For "AN INITIATIVE MEASURE TO AMEND THE EL DORADO COUNTY GENERAL PLAN REGARDING TRAFFIC LEVELS OF SERVICE AND TRAFFIC IMPACT MITIGATION FEES"

Proposed new language:

Shall an ordinance be adopted amending 2008 Measure Y, restoring parts of 1998 Measure Y and amending the 2004 El Dorado County General Plan requiring (1) El Dorado County maintain traffic levels of service based on proposed requirements prior to approving any residential development project of five or more units; (2) voter approval for infrastructure financing districts; (3) County tax revenue cannot offset traffic impacts of new development; (4) road funds remain in the road zone collected?"

(73 words)

---

(Initiative to retain El Dorado County's current zoning and rural assets)

For "AN INITIATIVE MEASURE RELATING TO EL DORADO COUNTY LAND USE POLICIES AND ZONING"

Proposed new language:

"Shall an ordinance be adopted amending the El Dorado County General Plan to: (1) Future decisions for land use changes shall be based on the land use compatibility matrix; (2) restore 2004 language for mixed-use policies and agricultural buffers; (3) give administrative agricultural relief authority solely to the Agricultural Commission; (4) implement the 2004 cultural, historical, scenic corridor and water policies prior to any future discretionary projects being allowed, (5) remove policies listed in ordinance?"

(73 words)