



PC 7.23.20  
 Planning Department <planning@edcgov.us>

Item #1

**Public comment for 7/23/20 joint BOS-Planning Commission meeting**

1 message

2 pages

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Please ensure the entirety of this communication is entered into the public record of today's joint meeting of the BOS and Planning Commission meeting.

First of all, I'd like to commend you for making some good recommendations for necessary change, particularly as it concerns ethics & transparency.

Good governance begins with good leadership, and that requires good character and adherence to EDC Core values, in particular the EDC Core Value of Integrity -

*Doing what is right legally and morally at all times regardless of whether or not someone is watching.*

In 2010 a Californians Aware consultant attended several RMAC meetings at my request to witness just how out of control these public meetings were actually conducted. Since the Brown Act is the legal expertise of CalAware, Dr. Dale Smith literally laid down a copy of the Brown Act on the table causing two committee members to walk out of the building in anger and later submit their resignations.

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

**RIGHTS OF THE PUBLIC:** *Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. These decisions found that prohibiting critical comments was a form of **viewpoint discrimination** and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful **public dialog**.*

*Members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3... the item may be briefly discussed... The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body.*

Here is the root of the problem: County Counsel has a history of giving erroneous advice to the Commissions and Advisory Committees. THESE APPOINTED REPRESENTATIVES ARE NOT VOLUNTEERS! What County Counsel neglected to address is that all Commissioners and Advisory Committee members are appointees of the BOS and therefore are bound by their Principal Agent Oaths of Office. The Principal is the Supervisor, and the Agent is the Commissioner/Advisory rep, both whom are bound by their oaths to defend and support the state and national Constitutions.

One of the core issues mentioned by Counsel is to “err on the side of government transparency.” The fact that audio/visual evidence of blatant Brown Act violations have conveniently “disappeared” from the public record is the reason I always personally audio record these public meetings. The three affidavits contained within this agenda item addressed to Supervisors Shiva Frentzen and Brian Veerkamp concern their lawful obligation to REMOVE Commissioners Gary Miller and Kris Payne for blatantly violating the Brown Act, their Principal Agent Oaths of Office and the rights of the people. For example this quote by Commissioner Gary Miller – “*One of the unique things about being a Chairman is you don’t get to tell me what I can do!...Sounds like you are threatening to take me to court...County Counsel was right there. I assure you, that if I was in violation of the Brown Act he would have said something.*”

The BOS have been apprised of regular violations of the Brown Act and rights of the citizens, and in fact, certain Supervisors have often been complicit in those violations. I have witnessed during several Planning Commission meetings when members of the public have stormed out in anger when the Chairman blatantly abused his position. Similar exits occurred during hearings and appeals when the applicant was denied due process undermine the public trust. When any public officer has knowledge of wrongdoing, yet fails to take corrective action, then that public officer aids and abets the unlawful action of the agent, thereby maintaining the status quo, and thus becomes **complicit and liable**. Both the principal and agent can be held responsible for misconduct, illegal activity, or violations of business standards.

However, when public officers harm the Citizens by their errant actions, and then refuse to respond to or rebut petitions from Citizens, then those public officers are acting in sedition and insurrection to the declared Law of the land and ***must be opposed, exposed and lawfully removed from office***. **Such action does NOT necessitate legal action as Counsel expressed, IF in fact, you are “doing the right thing” as stated in the EDC Core Values.**

In closing I have one question that needs to be publicly addressed: Zoom meetings definitely have their limitations. Does EDC have any intention of returning in-person meetings, or are these Zoom meetings the “new normal”?

*Melody Lane*

**Founder – Compass2Truth**

When law and morality contradict each other the citizen has the cruel alternative of either losing his sense of morality or losing his respect for the law. ~ Frederick Bastiat ~