

El Dorado County Board of Supervisors Meeting
Open Forum Commentary by Terry Kayes, District 3

Ethics, Negligence, and the Destruction of Civic and Public Trust

How many people in El Dorado County, in the State of California, our nation and world, are going to have to die, have their health damaged or ruined and lifespans greatly reduced, suffer serious financial or property damage, or other significant injuries, before those people who claim to be caring and responsible join forces with one another to resist the ever-increasing flood of unethical conduct and injury-causing negligence — regardless of whether they (meaning either of the two) stem from ignorance, or from gross, willful, wanton or reckless indifference. (For explanation, see <https://www.upcounsel.com/degrees-of-negligence>).

I will leave it to others to comment on whether PG&E's recent multiday turn-off of electric power to hundreds of thousands of Californians (justified on a dubious claim of extraordinary-high wildfire risk throughout the turn-off area), with a consequent loss of lives, threat to the lives of people on electric-powered life-support systems, serious losses of business revenues and perishable inventories, and personal and family incomes — all with insufficient notice of the intentional turn-off of service.

As a retired research scientist who for over 25 years had close working ties to the National Oceanic and Atmospheric Administration (NOAA), I was unable to find anywhere online any NOAA

advisories of unusual or unseasonable wind conditions in the El Dorado County region (or close by) in the 2-day period prior to, during, or immediately after the power turn-off, other than the normal breezes in the foothills and nearby Sacramento Valley.

So, once again the general public in our nation and in our state has been subjected to the costly, too-often lethal consequences of a foreseeable blunder (or series of blunders) stemming from a pattern of unethical or negligent conduct on the part of large corporations, too-many government agencies, and an array of public utility, communications and information providers, which over the past few decades have shown they cannot be trusted. Making matters worse, these usually-large organizations almost invariably lie, or find rationalizations for their harmful actions.

What history shows is that when the public's trust is destroyed, the most common consequences are growing civil unrest, and often the dissolution of civilized societies. Too often, the public and the employees of such organizations unwittingly contribute to this destruction, through apathy, willful indifference, fear of job loss or punishment — or other forms of ethical failure.

I expect to have more to say about this in future commentaries about how El Dorado County deals with Caltrans, the California Air Resources Board, and other agencies that too-often work to end run the law and science, which is always about ethics.

Thank you for your attention.

Due to technical issues, the recording of last week's meeting begins at Open Forum. However the power failure didn't occur until Open Forum began. Sue Novasel's unlawful debacle during Consent appears to be deliberately censored from the video when she violated the Brown Act and ordered Kim Dawson NOT to respond to my inquiry about missing records from the minutes.

Consequently I addressed Ms. Dawson in an email, but *it was evident that county counsel prepared her response and then chose to send it when most of EDC was without power to respond.* That dialog is being entered into the public record.

~~For clarification,~~ TO BE PERFECTLY CLEAR

the same CPRA issues were discussed in audio recorded meetings with Jim Mitrisin, Don Ashton, Mike Ranalli, Robyn Drivon and Paula Franz who all assured us that it was the responsibility of the COB to track and ensure timely responses. Lori Parlin and Larry Weitzman were also witnesses to those meetings. We are very familiar with counsel's deceptive tactics and Bureaucratic Shenanigans.

Ms. Dawson unlawfully took direction from Sue Novasel who has ***no authority whatsoever*** to deny me a ***public*** response to a ***public*** inquiry in a ***public*** meeting concerning ***public*** business held in a ***public*** building paid for by taxpayers. If someone walked up to the counter and made the same inquiry, that public servant has a duty to respond because we the people are the masters and you are the servants.

You are aware members of the public have broad constitutional rights and we are entitled to honest services. Kim's refusal to respond to my direct question last week regarding the disappearance of the materials she was handed September 10th is an apparent violation of her oaths of office.

Kim, you alone are responsible for the content of the minutes, their timely posting, as well as tracking CPRAs. That's why you were told to thoroughly read the materials I handed to you during Open Forum last week.

To reiterate, the BOS and counsel has NO authority whatsoever to direct you NOT to respond to the public, and they certainly can't act as your mouthpiece. Ignorance of the law is no excuse. Your choice to remain silent, thus violating the Brown Act and your oaths of office, was made of your own volition. That's called fraud.

It is also evident that Don Ashton and other responsible parties have no intention of **LAWFULLY** responding to the CPRAs referenced in this document. No wonder El Dorado County has earned a reputation of being one of the most corrupt in the state.

If you have any questions or comments, make them now while I'm at the podium.

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

- 1) This transcript
- 2) 10/13/19 @ 8:27 PM County Counsel/Dawson dialog

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Sunday, October 13, 2019 8:27 PM

To: Kim Dawson (Kim.Dawson@edcgov.us)

Cc: 'EDC COB'; 'Donald Ashton'; 'The BOSFIVE'; 'bosfour'; 'The BOSONE'; 'The BOSTHREE'; 'The BOSTWO'; 'Lori Parlin'; 'Lori Parlin'; Vern R Pierson; david.livingston@edcgov.us; Paula Frantz; 'El Dorado County Public Records Center'

Subject: RE: Follow up to 9/10 minutes Item #23 - CA Public Record Act Request P002371-100719

Ms. Dawson,

It is evident that county counsel prepared your response and chose to send it when most of EDC was without power to respond.

For clarification, the same CPRA issues were discussed in audio recorded meetings with Jim Mitrisin, Don Ashton, Mike Ranalli, Robyn Drivon and Paula Franz who all assured us that it was the responsibility of the COB to track and ensure timely responses. Lori Parlin and Larry Weitzman were also witnesses to those meetings, so we are very familiar with counsel's deceptive tactics.

For further clarification, you unlawfully took direction from Sue Novasel who has *no authority whatsoever* to deny me a *public* response to a *public* inquiry in a *public* meeting concerning *public* business held in a *public* building paid for by taxpayers. If someone walked up to the counter and made the same inquiry, the public servant has a duty to respond. Your refusal to respond to my direct question during the 10/8/19 Consent Item #1 regarding the disappearance of the materials you were handed September 10th is an apparent violation of your oaths of office. You alone are responsible for the content of the minutes, their timely posting, as well as tracking CPRAs. That's why you were told to thoroughly read the materials I handed to you during Open Forum last week.

To reiterate, neither the BOS or counsel has any authority whatsoever to direct you NOT to respond to the public. Ignorance of the law is no excuse. The choice to remain silent, thus violating the Brown Act and your oaths of office, was made of your own volition.

Melody Lane

Founder – Compass2Truth

All authority belongs to the people...in questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. ~ Thomas Jefferson ~

From: Kim Dawson [mailto:kim.dawson@edcgov.us]

Sent: Wednesday, October 9, 2019 11:50 AM

To: Melody Lane

Cc: EDC COB; Donald Ashton; The BOSFIVE; bosfour; The BOSONE; The BOSTHREE; The BOSTWO; Lori Parlin; Lori Parlin

Subject: Re: Follow up to 9/10 minutes Item #23 - CA Public Record Act Request P002371-100719

Good Morning Ms. Lane - I just wanted to clarify that my responsibilities pertaining to the administration of the Public Records management system is to set up new users, provide training and enter requests. I have no authority to ensure timely response to a request. That authority is with the individual department supervisors. Thank you, Kim

On Tue, Oct 8, 2019 at 1:14 PM Melody Lane <melody.lane@reagan.com> wrote:

Ms. Dawson,

You stated below: 4) No I have not been directed to refrain from responding to you.

During Consent this morning you refused to respond to my PUBLIC inquiry that required your PUBLIC response for the PUBLIC record. Sue Novasel had no authority whatsoever to direct you to not respond to me regarding Consent Item #1. Your refusal to respond publicly to my inquiry was in contradiction of your written statement below, it infringed on the exercise of my First Amendment rights, and was proof your reticence is in violation of your Constitutional oath(s) of office.

You are a public servant whose salary is paid by my tax dollars. Whether my inquiries are verbal or written, Sue Novasel and/or county counsel have no lawful authority to direct you to deprive any citizen the right to access **public information** or **public services**. Be sure to thoroughly read the materials I handed you during Open Forum, and ensure they are timely posted to today's minutes.

It is my understanding it is also your responsibility to track and ensure a timely response to the below CPRA #P002371-100719. Follow up is needed on several other CPRAs as well:

P001661-042318

P001760-070218

P001825-080818

P001843-090418

P002210-062519

P002234-071519

P002337-091619

P002355-092519

If you have any questions, then please contact me immediately.

Your silence is your admission that all my claims are based on truth, fact, evidence and valid law.

Melody Lane

Founder – Compass2Truth

When the defense of liberty becomes a crime, tyranny is already in force. At that point, failure to defend liberty makes slavery a certainty.

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Monday, October 7, 2019 4:51 PM

To: 'Kim Dawson'

Cc: 'EDC COB'; 'Donald Ashton'; 'The BOSFIVE'; 'bosfour'; 'The BOSONE'; 'The BOSTHREE'; 'The BOSTWO'; 'Lori Parlin'; 'Lori Parlin'

Subject: RE: Follow up to 9/10 minutes Item #23 - CA Public Record Act Request

Kim,

Thank you for your reply. However once again you failed to properly respond to the following questions:

#1 – I've heard the excuse before that there are only two COBs, and that my documents were posted promptly after I brought them to your attention on 9/17. You still missed the whole point of this correspondence...

Such omissions have happened several times before, even when Jim Mitrisin was COB. But that still doesn't explain WHY YOU failed to include my documents in Item #23 when the minutes were posted to Legistar the afternoon of 9/13. **Were they misplaced, clerical error, an oversight, were you directed to withhold them, or some other reason???** **Your written explanation is in order.**

#2 – For clarification my address book does NOT and has NEVER generated 'The BOSONE', 'The BOSTWO', etc. It is significant that the word "The" now precedes each BOS email address. However I suspect the problem has everything to do with Don Ashton/county counsel **unlawfully** authorizing IT to block my ability to communicate electronically with most county staff since August 2018. (See attached Ashton email)

Below is a copy/paste of what my address book actually generates. Note as well the highlighted portions indicating the obvious discrepancies:

To: Kim Dawson (Kim.Dawson@edcgov.us); 'Donald Ashton'; edc.cob@edcgov.us

Cc: bosfive@edcgov.us; bosfour@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Don's unlawful directive with the full knowledge and support of the BOS would also account for why staff is not responding to any of my petitions for redress of grievances or returning any of my phone calls. District #4 Lori Parlin has been particularly unresponsive to District #4 concerns as she demonstrated during today's Taxpayers Association meeting. When staff has knowledge of wrong doing and fails to take corrective action, then that public servant becomes complicit and liable.

At this point Don Ashton has some explaining to do about his unconstitutional actions, topics which we've discussed in several staff meetings *ad nauseam* going back as far as 2013. This is public information that the public is entitled to know about how its government really operates.

Since it is your responsibility to track and monitor CPRAs, please consider this a **Public Record Act** request for information pursuant to Government Code Section 6250 et seq. requesting Don Ashton provide in writing the significance of 'The BOSONE', 'The BOSTWO', etc. and specifying the actual recipients.

If you intend to withhold the requested information, I ask that you provide a signed notification citing the specific legal authorities on whom you rely. The agency must justify the withholding of any record by demonstrating that the record is exempt or that the public interest in confidentiality outweighs the public interest in disclosure. (§6255)

Note: County counsel has **no authority whatsoever** to run interference, respond on behalf of any public servant, nor to unlawfully delay responses to CPRAs, *many of which are MONTHS OVERDUE.*

Melody Lane

Founder – Compass2Truth

~ By identifying the people's sovereign will not with its latest but its oldest expression, the Framers succeeded in identifying the people's authority with the Constitution, not with the statutory law made by their representatives. ~

From: Kim Dawson [<mailto:kim.dawson@edcgov.us>]

Sent: Monday, October 7, 2019 12:14 PM

To: Melody Lane

Cc: EDC COB; Donald Ashton; **The BOSFIVE**; bosfour; **The BOSONE**; **The BOSTHREE**; **The BOSTWO**; Lori Parlin; Lori Parlin

Subject: Re: Follow up to 9/10 minutes Item #23 & 9/17 BOS

Good Afternoon Ms. Lane - Regarding your email:

- 1) Currently there are only two staff in the Clerk's office. Your public comments were attached promptly on 9/17 after you pointed out they had not been attached.
- 2) TheBOSONE, etc. is generated by your address book
- 3) No my response on 9/23 was not prepared by County Counsel.
- 4) No I have not been directed to refrain from responding to you.

Thank you, Kim

On Sun, Oct 6, 2019 at 5:04 PM Melody Lane <melody.lane@reagan.com> wrote:

Ms. Dawson,

I've made several verbal as well as written requests for PUBLIC information requiring a PUBLIC reply pursuant to your duties as Clerk to the Board, but you've failed to appropriately respond concerning the missing documents I handed to you during the 9/10/19 BOS meeting agenda Item #23 – Auburn State Recreational Area public safety issues:

- 1) Why were my documents and other public comments not publicly posted in a timely manner as required by law?? (Please, no more excuses – you are paid to serve the public regardless of any COB staffing deficiencies.)
- 2) Please explain the significance of 'The BOSONE', 'The BOSTWO', etc. (versus bosthree@edcgov.us, bosfour@edcgov.us, etc. – see **highlights** below) – Are those emails *bypassing* their intended recipients and/or being *filtered* through county counsel or Don Ashton? (Don Ashton and Lori Parlin failed to respond to the same public inquiry during the 9/17 BOS meeting.)
- 3) I see that my initial reply on 9/23 at 4:09 PM had all the email addresses removed and substituted with 'The BOSONE', 'The BOSTHREE', etc. (See **highlights** below) Was your reply on 9/23 at 4:25 PM prepared for you by county counsel?
- 4) Has county counsel, or any other EDC staff, directed you to refrain from responding to any of my email, phone, or public inquiries?

The above concerns indicate something is seriously amiss. As you know, the public has broad Constitutional rights relating to the business of the governmental body, and the public is also entitled to honest public services that are consistent with EDC core values. Consequently your response to each of the above three items is expected *immediately* in order that it may be properly disseminated to all interested parties.

Melody Lane

Founder – Compass2Truth

“Resistance to tyranny becomes the Christian and social duty of each individual...Continue steadfast and, with a proper sense of your dependence on God, nobly defend those rights which heaven gave, and no man ought to take from us.” ~ John Hancock ~

From: Melody Lane [<mailto:melody.lane@reagan.com>]

Sent: Monday, September 23, 2019 4:54 PM

To: 'Kim Dawson'

Cc: 'EDC COB'; 'Donald Ashton'; 'The BOSFIVE'; 'bosfour'; 'The BOSONE'; 'The BOSTHREE'; 'The BOSTWO'

Subject: RE: Follow up to 9/10 minutes Item #23 & 9/17 BOS

Kim,

That still doesn't explain *what happened to those documents*. Why weren't they attached to Item #23 of the 9/10 minutes???

Melody Lane

Founder – Compass2Truth

“If the freedom of speech be taken away, then dumb and silent we may be led, like sheep to the slaughter.” ~ George Washington ~

From: Kim Dawson [<mailto:kim.dawson@edcgov.us>]

Sent: Monday, September 23, 2019 4:25 PM

To: Melody Lane

Cc: EDC COB; Donald Ashton; The BOSFIVE; bosfour; The BOSONE; The BOSTHREE; The BOSTWO

Subject: Re: Follow up to 9/10 minutes Item #23 & 9/17 BOS

Good Afternoon - They were attached on 9/17/2019 after you pointed out they were not available. They are now available for viewing. Thank you for your patience as there are currently only two staff handling all the responsibilities of the Clerk's office. Kim

On Mon, Sep 23, 2019 at 4:09 PM Melody Lane <melody.lane@reagan.com> wrote:

Kim,

During last week's Consent you said you were going to get back to me regarding the missing documents I handed you during the previous 9/10 BOS Agenda Item #23 – Auburn State Recreational Area. There still has been no response from you regarding the whereabouts of those public documents. As COB you admitted being responsible for the minutes, reviewing them for accuracy, and posting them to the BOS calendar. Furthermore, you, as well as the entire BOS, are required *by law and your Constitutional* oaths to respond publicly to PUBLIC requests for information.

Please respond ASAP as to what happened to the documents I handed you.

Melody Lane

Founder – Compass2Truth

~ By identifying the people's sovereign will not with its latest but its oldest expression, the Framers succeeded in identifying the people's authority with the Constitution, not with the statutory law made by their representatives. ~

--

Kim Dawson

Clerk of the Board of Supervisors

County of El Dorado

330 Fair Lane, Building A

Placerville, CA 95667

(530) 621-5393

kim.dawson@edcgov.us

--

Kim Dawson

Clerk of the Board of Supervisors

County of El Dorado

330 Fair Lane, Building A

Placerville, CA 95667

(530) 621-5393

kim.dawson@edcgov.us

--

Kim Dawson

Clerk of the Board of Supervisors

County of El Dorado

330 Fair Lane, Building A

Placerville, CA 95667

(530) 621-5393

kim.dawson@edcgov.us