

EL DORADO COUNTY BOARD OF SUPERVISORS MEETING – March 12, 2013

Board of Supervisors

MEETING AGENDA

March 12, 2013

- 16. 13-0106 Chief Administrative Office recommending the Board adopt Resolution 025-2013 in support of the Next Economy Capital Region Prosperity Plan. (Est. Time: 10 Min.)

(NOTE: The text of Resolution 025-2013 was provided by Next Economy.)



RESOLUTION NO. 025-2013

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO ENDORSING THE NEXT ECONOMY CAPITAL REGION PROSPERITY PLAN AND AUTHORIZING COUNTY STAFF TO ALIGN THE COUNTY'S ECONOMIC DEVELOPMENT EFFORTS IN SUPPORT OF ITS IMPLMENTATION

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of El Dorado endorses the Next Economy Regional Prosperity Plan and authorizes County staff to actively engage in shaping and implementing the plan and to integrate it into the County's economic development activities.

(NOTE: As of March 12, 2013, the final Plan had not yet been released.)

Board of Supervisors

Minutes

March 12, 2013

- 16. 13-0106 Chief Administrative Office recommending the Board adopt Resolution 025-2013 in support of the Next Economy Capital Region Prosperity Plan. (Est. Time: 10 Min.)

PUBLIC COMMENT

- L. Brent-Bumb
- V. Chelseth
- S. Taylor
- E. Veerkamp
- P. Chelseth

A motion was made by Supervisor Veerkamp, seconded by Supervisor Nutting, to adopt Resolution 025-2013 in support of the Next Economy Capital Region Prosperity Plan.

Yes: 3 - Briggs, Veerkamp and Nutting

Noes: 1 - Mikulaco

Absent: 1 - Santiago

*Read -
E. Veerkamp
open forum
3-19-13*

“Supes OK concept of the ‘Next Economy’” (Mt. Democrat – March 18, 2013)

Para 23: *“Following Public Comment, Mikulaco asked County Counsel Ed Knapp, ‘Are we legally bound to anything (by doing the resolution)?’ To which Knapp responded, ‘not really, it’s just supporting the concepts.’”*

Regardless of language like “in support of” (CAO’s Office), and “just supporting the concepts” (Knapp), the Resolution specifically instructs County staff to “actively engage in shaping and implementing the plan.”

QUESTION: How could the Board of Supervisors adopt a Resolution to implement a plan not yet before them?

5. IMPROVE THE REGIONAL BUSINESS CLIMATE FOR ECONOMIC GROWTH

Objective 1: REMOVE ECONOMIC AND REGULATORY BARRIERS TO STIMULATE GROWTH

Strategies:

- ◆ Coordinate the Region's business advocacy efforts to reduce local and regional regulatory barriers to improve the Region's business climate (*Regulatory impediments*)
- ◆ Build a proactive effort to educate and inform elected officials and local government leaders about key business issues and industry needs (*Business and industry issues*)
- ◆ Foster an effective system to respond to company-specific local-level regulatory issues (*Business outreach and regulatory issues*)
- ◆ Encourage streamlined and predictable permitting policies and procedures across all local jurisdictions in the Region (*Permitting system*)
- ◆ Pursue local implementation of state and federal regulatory requirements that is uniform, streamlined and cost effective (*Solutions for streamlining*)

Objective 2: AMPLIFY THE REGION'S VISIBILITY AND REPUTATION AMONG KEY AUDIENCES

Strategy:

- ◆ Mobilize a set of interlocking campaigns, aligned with the Next Economy vision, that solidify the Region's reputation as the economic, cultural and recreational capital of the State of California (*Coordinate marketing efforts*)

Objective 3: INTENSIFY ECONOMIC DEVELOPMENT ACTIVITIES THAT DRIVE GROWTH AND INVESTMENT

Strategies:

- ◆ Build a significant fund that can be used to directly invest in competitive new company locations or expansions that create high-value jobs (*Execute on action plan*)
- ◆ Establish a formal, regionwide system to retain local companies and high-quality jobs (*Business outreach and response teams*)
- ◆ Educate the public and investors about the Region's economic development activities, the value they offer, and the job and wealth creation opportunities they present (*Elected official outreach and adoption of code of ethics for economic development*)

Objective 4: DEVELOP A NEXT ECONOMY GOVERNANCE STRUCTURE THAT ENSURES IMPLEMENTATION AND ACCOUNTABILITY

Strategies:

- ◆ Obtain endorsement from all cities and counties in the Capital Region of Next Economy Goals and Unified Vision and coordinate Next Economy implementation strategies and objectives with public-agency partners (*Elected official support and plan integration*)
- ◆ Examine merits associated with completion of a regionwide Comprehensive Economic Development Strategy (*CEDS approval*)



Compass2Truth

Citizens Serving God, Truth and Liberty

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October 9, 2012

TO: Kim Kerr, Assistant CAO
Supervisor Ron Briggs, District #4

CC: Terri Daly, CAO
Don Spear, DOT Deputy Director
Gerri Silva, Director Environmental Management
Roger Trout, Director Development Services
Board of Supervisors, Districts 1, 2, 3, & 5
Jeremy McReynolds, MGD Superintendent
Joe Harn, Auditor
Sheriff John D'Agostini

RE: DOT, CIP/TIM Fees and Parks/Recreation

Dear Ms. Kerr,

Thank you for your letter dated July 13, 2012 in reply to topics stemming from our May 23, 2012 meeting. The relevant issues were delineated in the July 15, 2011 *COMPAS* letter submitted to DOT Director Jim Ware and MGD Superintendent Jeremy McReynolds. No response was received from either Jim or Jeremy.

Although a range of issues germane to DOT *processes* were covered in your reply, there still remain several issues in need of clarification regarding *financial data*. You provided a target date of **September 1st** to respond to inquiries that were addressed over a year ago. It is now the eleventh hour; an appropriate response is long overdue.

Once again I reminded you of specific issues at the 8/28/12 BOS meeting during the discussion of Capital Improvement Projects/Traffic Impact Mitigation. You'll recall the complex topics were aptly described by Supervisor Santiago as "*information overload, black widow spiders and lots of moving parts.*" Obtaining accurate information from county representatives appeared to be a problem for everyone involved. For this reason the CIP/TIM agenda item was again deferred to sometime in October. A reply to public and written inquiries was never received.

It was recently brought to my attention that CIP/TIM Update was slipped into the September 25th BOS agenda instead of scheduled for October. Apparently decisions had already been predetermined behind closed doors in violation of the **Brown Act and Bagley-Keene Open Meeting Act**. This is information EDC citizens have the right to know and publicly participate. **(See attached RMAC correspondence at the end of this document. *Note pertinent information was deliberately censored by Environmental Management from the public minutes.)**

OPEN FORUM

Rec'd 3-19-13
m. Jane
Open Forum

13-0008 9A 3 of 26

Government transparency and accountability are reoccurring phrases frequently making headlines. This recent media excerpt regarding SB 1003 is just one example:

“Tulare County is passionate about the peoples’ right to know. Senate Bill 1003 clarifies and improves the existing Brown Act law and is a win-win for the public and local government. Had SB 1003 been in place when a lawsuit alleging Brown Act violations was filed against Tulare County, expensive, time-consuming litigation could have been avoided at a time when so many other issues demanded our attention and scarce funds.

Supporters of the new law argue it is a low-cost way for citizens to demand accountability and places the burden on the local government rather than the citizen.”

It is apparent the decision-making process in El Dorado County is exclusively geared to meeting privately with special interest groups. Public concerns are thereby obfuscated or diverted giving citizens little opportunity to assimilate piles of confusing documents and misleading information. There is a tremendous amount of inconsistency making it difficult for anyone to intelligently participate in public discussion or to make properly informed decisions.

Kim, that last statement echoes the question I posed to you during the July 17th Tax Payers Association meeting. The same issues concerning the Amador County Grand Jury findings against you appeared in the September 3rd article tucked way back on page 11 of the Mountain Democrat:

“The most direct and personal findings state that the “city manager (Kerr) for the fiscal period 2007-2011 did not demonstrate that she possessed the proper qualifications and expertise to perform the duties required for that position...the Grand Jury finds that on many occasions the city manager provided insufficient or misleading information, making it difficult or impossible for the City Council to cast intelligent votes.”

It is only reasonable that taxpayers should inquire into the appropriation of funds as well as doubt the level of your expertise to handle the job of Assistant CAO. Hopefully a similar EDC Grand Jury investigation won't be necessary.

As you know **Compass2Truth** works in affiliation with several other Watchdog organizations. Most people can't attend all the county meetings, view them on-line, or glean much information from brief meeting minutes and biased media articles. The following recap of the issues we covered in previous meetings may be of assistance in submitting your written reply for timely public dissemination:

1. There are 4 bridge projects in the Coloma-Lotus region: Mt. Murphy Road, Bayne Road, Bassi Road and the Hwy. 49 Bridge at Lotus Road. **What are the funding sources and the total dollar amounts allocated for each bridge project?**
2. Per the audio of non-agenda items during the 8/9/12 RMAC meeting, it was announced by Howard Penn that the Bassi Road Bridge is on the same schedule as the Mt. Murphy Road Bridge project. DOT never responded to my inquiry during the 8/28 BOS presentation. **Which CIP schedule is the Bassi Road Bridge allocated – 5 year or 10 year schedule?**
3. Where is funding expected to come from for the **new** Mt. Murphy bridge, how is it allocated (DOT, CalTrans and/or CA State Parks), and when is it scheduled to be completed?
4. The **Hwy 49 bridge project at Lotus Road** was not contained within any CIP/TIM documents presented 8/28/12 to the BOS. This bridge is a significant expenditure for EDC, and at a minimum cost of \$17M, it is already generating controversy in the community. The 49 bridge is also a major component of the proposed Whitewater Park at Lotus-Henningson. That's another significant factor

impacting CEQA, budgets, taxes, roads, and property values. It is obvious by the correspondence included at the end of this document that this project is progressing under the covert direction of County Counsel, the Chamber of Commerce, American River Conservancy and CA State Parks. It is only appropriate that Supervisor Briggs or the CAO (not CalTrans as you indicated) provide the scope and schedule of these major projects. **What is the monetary breakdown of the 49 bridge project compared to the entire Hwy 49 realignment?**

5. Another project is a rumored **bridge** connecting the recently acquired 40 acre parcel across from Lotus-Henningson Park to the Marshall Gold Discovery Park. Concerns have already been expressed about hiking trails and **easements** connecting public land segments along the entire American River corridor. **What are the financial statistics, funding sources and schedule for this particular project?**
6. Also mentioned during the 8/9 RMAC meeting was the matter of the easement “given away by Supervisor Jack Sweeney.” This was made in association with the 2-lane Mt. Murphy Road Bridge project extending from New River Road to Bayne Road at Dutch Creek near the base of my property. **What easement was Dave Martinez (owner of American River Resort) referring to, and exactly which private property parcels will be affected by this new Mt. Murphy bridge project?**
7. **Which specific private properties will be impacted by easements associated with CIP/DOT/trail projects planned in the Coloma-Lotus region, how will residents be notified, and how will this affect property values?**
8. The majority of upper Mt. Murphy Road is hard-surface overlay while lower portions near the MGD Park remain dirt/gravel chipseal. Despite the annual grading & compacting process, the road is rapidly deteriorating. The reality is ADT traffic has increased creating dust and pot-holes which contribute to the poor condition of the lower section of this historic road. **Is it cost-effective to continue grading & compacting loose gravel/dirt versus utilizing a permanent hard-surface product that will require less maintenance just on the lower 1/3 mile of Mt. Murphy?**
9. Parking enforcement and collection of fines was inadequately addressed in your letter. I already understand the process. It’s the tracking of \$\$ that is the issue. This was a particular concern during the **fraudulent** April Meteorite Mania when our county roads and private properties were turned into a public hiking trails and parking lots. As the American River Trail corridor is expanded from Folsom, Coloma, Chili Bar and S. Lake Tahoe privacy & parking infringements will become of greater concern to residents adjacent to public lands. This will obviously impact property values. **Is Auditor Joe Harn the appropriate authority responsible to provide current data on the actual allocation of revenues generated by the issuance of parking citations/use fees within the American River Trail corridor? What is the feasibility of an outside audit?**
10. Relevant to Jeremy McReynolds recommendation of an MOU, the Rubicon Trail arrangement between EDSO, DOT and State Parks would be a logical extension encompassing the entire American River Trail corridor. It is my understanding that an MOU is indeed in process. **Why has this info been kept from the general public?**
11. Regarding the **Fee Waiver Policy B-2 at Lotus-Henningson Park**, my audio of the June 8, 2010 BOS meeting indicates that Gayle Erbe-Hamlin was given specific direction by Supervisor Briggs to amend the policy language. I had requested that item be pulled from Consent for public discussion after it was brought up during a Tax Payers Assn. meeting. The concern was that fees were being waived for special interest groups that did not qualify under the present language of the policy. **When and who authorized the fee waivers for the 2011 & 2012 American River Music Festival held at Lotus-Henningson Park?**

12. **What easements & Eminent Domain rights does the Hwy 49 Realignment Project contain, and how does it impact private property adjacent to the Marshall Gold Discovery Park and the American River Trail corridor?**
13. **Per this 2010 BLM & American River Conservancy Press Release, *“One element of this conservation initiative has been the acquisition of 16 river front properties and the development of a 25-mile recreational trail between Folsom Lake and Highway 49 just north of Coloma. It is hoped in the near future that a trail corridor will be completed between Sutter’s Fort in downtown Sacramento and Sutter’s Mill within the Marshall Gold State Park in Coloma. With the completion of the south Fork American River Trail, 98.5% of that distance will be covered by existing recreational trail.”* This brings up concerns impacting private property rights and easements along the trail corridor. **In light of the recent CA State Parks scandal, what contracts/concessions does the county have with American River Conservancy and the Marshall Gold Discovery Park?****
14. **Which government agency oversees fund management of #14 above thus assuring proper accountability? (Refer to AB42 concerns about NGO accountability contained in the 7/15/11 COMPAS letter to Jim Ware and Jeremy McReynolds.)**

The above issues are relevant to the General Plan, Land Management and Economic Development of our historic region. They consequently impact public safety and property values. However legitimate community concerns have been met with stonewalling or total silence. What else is being hidden from the public?

The real question is whether our meetings over the past 15 months with you, CAO Terri Daly, Roger Trout and the Marshall Gold Discovery Park were a deceptive ploy of government to take unfair advantage of El Dorado County citizens?

Your timely response is anticipated. If further clarification is needed, please do not hesitate to contact me.

Sincerely,

Melody Lane

Founder – Compass2Truth

Attachment

Cc: Governor Jerry Brown
Congressman Tom McClintock
Senator Ted Gaines
Assemblywoman Beth Gaines
John Laird, Natural Resources Agency
Janelle Beland, Acting CA State Parks Director
Scott Nakaji, Gold Fields Superintendent
Vern Pierson, District Attorney

From: Melody Lane [mailto:melodylane@calis.com]

Sent: Wednesday, September 12, 2012 5:21 PM

To: 'Roger Trout'; Kimberly Kerr; Gerri Silva

Cc: Terri Daly; Jim Wassner; greg.stanton@edcgov.us; Pierre Rivas; Sheriff DAgostini; Tim Becker; Jeremy McReynolds; bosfive@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Ron Briggs

Subject: RMAC, PLANNING, PARKS & EDSO

Importance: High

Roger: I've still not received the courtesy of your written response to the attached correspondence stemming from our 8/9 meeting in your office. You indicated due dates of **8/31** and then **9/7** meanwhile assuring *no stonewalling*. What's the excuse this time?

Kim: Your reply to related DOT/Parks & Recreation issues was due **9/1**. During the 8/28 BOS CIP/TIM presentation you were reminded about specific \$ figures associated with the **4 bridge projects in the Coloma-Lotus region**. What's the delay?

Gerri: Greg Stanton has been unresponsive to similar requests for information associated with RMAC. Of particular concern is his refusal to provide the Chili Bar Master Plan presentation made by Alan Ehrgott during the special 8/12/10 RMAC meeting held in the Marshall Gold Discovery Park Museum. That portion of the public meeting was deliberately censored from the audio provided by Environmental Mgt. Noah Rucker has been equally evasive in providing information even when requested in writing.

These issues were again the subject of our 9/4 meeting in Sheriff D'Agostini's office. They're also relevant to yesterday's BOS meeting when Lt. Tim Becker justified EDSO Boating expenditures for Search & Rescue equipment.

Of growing public concern are the obvious stonewalling tactics and lack of transparency & accountability to the citizens of EDC.

The Brown Act requires 72 hour public notification. Note the **8/9/12** minutes and **9/13** RMAC meeting agenda were distributed at 4:24 PM Tuesday 9/11. That's less than 51 hours public notice prior to the 9/13 meeting.

The grossly censored and manipulated minutes by Environmental Management bear no semblance whatsoever to the audio of the 8/9 RMAC meeting.

Note these excerpts from the draft minutes:

*Dave Martinez: **The Toe-Up Cup** at went well. No incidents occurred.*

*Stephen Liles: Suggested there must be a more cost effective way to rescue **drunk stranded inner tubers** off the river by the CHP helicopter. Utilizing the rafting companies or something else would have worked (non-life threatening EMS to use outfitters). **Asked County Staff for the amount of money spent out of the River Trust Fund for public projects like the purchase of HLP, building of HLP, purchase of Chili Bar, River Shuttle Matching funds, River Management Plan update, etc.***

*Marilyn Tahl: Said that **Parks Development has moved out of DOT and that there will hopefully be progress on the Chili Bar Master Plan/Park.***

Melody Lane

Founder – **Compass2Truth**

Conservatives Serving God, Truth and Liberty

Home – (530) 642-1670

Democracy is two wolves and a lamb voting on what to have for dinner. Liberty is a well-armed lamb contesting the vote.

From: Roger Trout [<mailto:roger.trout@edcgov.us>]

Sent: Friday, August 31, 2012 3:44 PM

To: Melody Lane

Subject: Re: 9/4 SUP Meeting Confirmation

Melody,

I have the meeting on my calendar.

On a related note, the DSD written response to your questions will be delayed into next week. We had some top priority issues come up this week and we don't have the document finished. **It will be done by next Friday, Sept 7.**

On Fri, Aug 31, 2012 at 11:14 AM, Melody Lane <melodylane@calis.com> wrote:

Thanks for your cooperation in pulling together this one hour meeting on 9/4.

When: Tuesday 9/4 @ 2:00 PM

Where: Sheriff D'Agostini's office

Topic: RMAC - SUPs - Code & Law Enforcement

This meeting is specifically relevant to the RMP, Coloma Resort & American River Resort. An agenda will follow to keep us on track.

Have a terrific Labor Day weekend!

Melody Lane

Founder – **Compass2Truth**



Compass2Truth

Citizens Serving God, Truth and Liberty

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August 27, 2012

TO: Jim Wassner, Code Enforcement
Roger Trout, Planning Services

CC: Sheriff D'Agostini
Jeremy McReynolds, MGD Park Superintendent
Terri Daly, CAO
Kim Kerr, Asst. CAO

RE: SUP Code & Law Enforcement on the S. Fork American River

Dear Jim,

Thanks for your phone call today and providing clarification about the calendar coordination snafu with Sheriff D'Agostini's office. Once our meeting is finally scheduled with EDSO, I anticipate Roger Trout will be familiar enough with RMAC, Planning and Code Enforcement procedures to answer questions in your stead. For now let's not bite off more of the elephant than we can digest in one hour. Future meetings will include Environmental Management and the CAO.

Many elements of the River Management Plan (RMP) came up during the 8/9/12 RMAC meeting that need to be tackled, particularly as it pertains to booze and river safety (refer to the attached **Rafters Gone Wild**.) This topic will become even more critical in upcoming months for Planning, Code and Law Enforcement to address *prior* to implementation of the planned **White Water Park at Lotus-Henningson Park**.

The candid RMAC audio brought to our attention that CA State Parks has been working in conjunction with liberal environmental groups and the Chamber of Commerce to covertly impose their plans upon local residents for a White Water Park in District #4. This major segment of the Parks & Trails Master Plan will be implemented under the auspices of a LAFCO-inspired *Recreation District*. Roads, bridges, trails and parking facilities constitute a significant CIP project expenditure affecting numerous private properties. The subject was referred to as "avoiding stirring a hornet's nest" by publicly introducing it with deceptive terminology.

Howard Penn also announced these plans have deliberately not been opened up to the community since the Water Park was intended to be Supervisor Briggs "legacy" to EDC when he vacates office in 2 years. Such pre-arranged outcomes routinely determined via behind-closed-doors meetings with elected officials are unlawful and in violation of the Ralph M. Brown Act preamble, a topic causing heated contention in several arenas:

"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."

The eventual public meetings are a mere façade and censored minutes barely fulfill minimum legal requirements. In essence the public has been stripped of their right-to-know and exercise their Constitutional rights.

For the record, residents do NOT want to see the designated Quiet Zone of the S. Fork American River turned into a Wet-N-Wild Disneyland on steroids. The purpose of meeting is to avoid the pitfalls of unnecessary and expensive litigation.

As you are aware, amplified music events such as the **American River Festival** are driving residents in the Quiet Zone to distraction, depreciating our property values, adversely impacting quality of rural life and public safety. Additionally, events such as these are drawing an undesirable crowd as evidenced by the Coloma Club Brawl and the incident at the Coloma Resort campground over 4th of July weekend. It would be appreciated if you'd follow up with Sgt. Bernie Morton and obtain the EDSO reports that were requested relevant to SUP violations prior to the meeting with Sheriff D'Agostini, Jeremy McReynolds and Roger Trout.

Note the attached P&P provided by CAO Terri Daly during our 4/30 meeting, American River Festival does NOT qualify as an emergency project for the fee waiver. In years past members of Tax Payers Assn. have objected to considerations given to unqualified special interest groups. Language of the P&P was supposed to have been addressed 3 years ago by former CAO Gayle Erbe-Hamlin, but somehow it fell between the cracks.

Per MGDG Superintendent Jeremy McReynolds, CA State Parks has a working contract with American River Conservancy, an *unaccountable Non-Government Organization (NGO)*. Public concerns about NGOs were specifically addressed in a previous correspondence dated July 15, 2011 involving AB42 (Huffman) - CA State Parks. Since Kim Kerr is the interim director of DOT and Parks & Rec, she should be able to help answer the following questions in preparation for our meeting. A written response will assist in proper dissemination to concerned constituents.

1. Tax Payers have previously expressed concerns about special interest groups receiving unjustified fee waivers especially during the economic downturn. Did the BOS once again waive the fee for this music event as they have in the past?
2. If so, what was the BOS justification/documentation?
3. Does American River Conservancy (ARC) have a contract with EDC Parks & Recreation to siphon proceeds from this event?
4. Which department/entity collects and processes parking fees?
5. Is the River Shuttle (operated by Dan Crandall at the River Store) used to shuttle participants to/from the campgrounds for this event?
6. Which department(s) is responsible for issuing CUP/TUPs for amplified outdoor events (i.e. American River Music Festival, Coloma Blues Live)?
7. Is EDSO, CHP or CA Parks responsible for providing necessary law enforcement at these events? (i.e. Although short-staffed, CA State Parks provided 3 rangers *at taxpayer's expense* for the May 19 Wakamatsu event sponsored by ARC.)

Thanks again for all your help and excellence of service.

Cheers,

Melody Lane

Founder – Compass2Truth



Compass2Truth

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August 9, 2012

TO: Roger Trout, Director Development Services
Jim Wassner, Code Enforcement
Pierre Rivas, Principal Planner

CC: Sheriff D'Agostini
Jeremy McReynolds, Superintendent Marshall Gold Discovery Park
Gerri Silva, Director Environmental Management
Terri Daly, CAO
Kim Kerr, Asst. CAO

RE: QUIET ZONE SUPS – RMAC CODE & LAW ENFORCEMENT COORDINATION

Dear Mr. Trout,

Thank you for the opportunity to meet briefly this morning with Pierre to clarify the expectations germane to the River Management Plan (RMP) and apparent lack of Code & Law Enforcement on the S. Fork American River. Residents appreciate your cooperation in resolving increasingly frequent SUP violations exemplified during the *Toe Up Cup* event held at the American River Resort on 7/25/12.

To assist your written response I've recapped below the topics from the agenda I provided. It is also requested that you be cognizant of the *unanswered questions* contained in the 7/27 email entitled "Follow the \$\$\$" attached at the end of this correspondence.

Per our conversation, the target date for your response is 8/31/12. Since several agencies share in the coordination of the RMP, I've cc'd appropriate departments to ensure that Quiet Zone resident concerns won't be indefinitely obfuscated or diverted as in years past.

PLANNING PETITION

Please refer to the Letter of Petition submitted to Planning on **June 4, 2002** addressing the American River Resort and the Coloma Resort (Pierre made a copy). Planning *should* already have volumes of correspondence on file related to this petition. Environmental Management should also have minutes on file from the Community Clamor Committee (I served as Secretary). This information was obliquely incorporated into subsequent RMP annual reports.

The BOS, Planning and Sheriff's Office have been kept apprised of the increasingly unmonitored amplified events and other non-compliance issues adversely impacting the environment, quality of life and property values in the **Quiet Zone** of the S. Fork American River (Section 6.2.3.1 of the RMP: Indian Creek above

Coloma to Greenwood Creek below Rivers Bend). Increased tourism coupled with economic woes and budgetary constraints creates even greater challenges to RMP obligations and legal compliance.

Appendix E1 through E5 further expounds the monitoring, reporting, and agency coordination requirements:

The County will compile information regarding public concerns. Landowners, residents and river users will be provided with standardized comment/complaint forms (forms also will be made available at kiosks). A voicemail system also will be operated to enable comments and complaints to be registered with the County via telephone. Comments and complaints will be distributed, as appropriate, to the County Planning Department and Sheriff's Department.

The County will use its Geographic Information System (GIS) database to catalogue river data and management issues.

If RMP impacts on non-whitewater recreation, historic interpretation or mining are identified, County Parks will conduct focused recreation conflict/impact surveys during the following season to identify and define specific conflicts.

The County will develop and implement a system for conducting noise monitoring and reporting for noise-sensitive areas including those near campgrounds and within the Quiet Zone.

Late today I received notification of the 8/23 CANCELLED Planning Commission meeting. It is my understanding that RMAC was submitting recommendations relevant to River Use Permit revocations. You'll recall the July RMAC draft minutes that I presented during our meeting today are **deliberately obscure** about the content of those recommendations. Residents have the right to know this information in order to better equip them to intelligently participate in public meetings subject to the Brown Act.

In your response please delineate the Planning Commission revocation process that you referred to in your 7/26 voice mail message. A time-line would be most helpful.

CODE & LAW ENFORCEMENT

Real Estate law requires disclosure of all factors negatively impacting desirability and subsequent decline in property values of all neighboring residents. Per my 7/25 conversation with Sgt. Bernie Morton it was confirmed that OES is in possession of a decibel meter. However he agreed it is highly unlikely to be utilized to monitor citizen noise complaints due to logistics, time constraints and priorities of responding EDSO staff.

*As a practical alternative to a decibel meter, the decibel chart provided by Sgt. Jim Brown cites subjective examples of sound levels to determine whether amplified music is excessive. A recent example was the 7/25 **Toe Up Cup** event. It was so excessively loud that one could simply put their hand on a window and feel the vibrations. For nearly 8 hours the noise intruded into every room of neighboring homes. It was not necessary to have a decibel meter to determine that it was unreasonably loud and out of RMP compliance.*

Sgt. Morton affirmed that he would forward documentation to Code Enforcement substantiating EDSO response to recent reports of amplified noise/gun shots/fireworks at the Coloma Resort & American River Resort. The primary concern is the common practice of EDSO to turn a blind eye and deaf ear to citizen complaints of RMP violations. Historically EDSO minimized, cited higher priorities, or deliberately refused to properly document disturbances of the peace within the Coloma-Lotus community. Educating EDSO staff about their responsibilities and legal requirements of the RMP would go a long way in mitigating these issues.

Many such events take place in the wee hours and have the potential of turning into a crisis situation impacting public safety and security of residents. The Coloma Club Brawl and multiple uncontrolled disturbances at the Coloma Resort campground over the 4th of July weekend are primary examples of SUP violations requiring code & law enforcement coordination. Must it escalate to a wildfire or crisis situation before staff appropriately responds? Please confirm whether Planning received the appropriate aforementioned materials from Sgt. Morton pertaining to these specific incidents.

Over the years public meetings regarding the overall enforcement into SUP/TUP violations have been the subject of heated contention. In several cases women especially were threatened and/or retaliated against for voicing their concerns.

Sheriff D'Agostini and MGDSP Superintendent Jeremy McReynolds have pledged their ongoing support with an emphasis on transparency and accountability to the citizens of our river region. In August 2011 we met with Sheriff D'Agostini and Jeremy McReynolds concerning RMAC and Code & Law Enforcement issues in the Coloma area. At that time I presented Sheriff D'Agostini a 12-page log of incidents commencing in 2009. Since then the spreadsheet has grown to a 17-page document. Please advise if Planning wishes to utilize this material in its investigation into enforcement of campground SUP violations, and how far back you wish to go.

RMAC

Personal audio recordings and substantial documentation will establish there has essentially been *no Resident representation* at RMAC meetings for the purpose of addressing property owner concerns. Furthermore, the minutes have been deliberately censored and slanted primarily towards the biases of special interest groups (i.e. rafters, campgrounds, organizations & members of the Chamber of Commerce.) Their brevity leaves much to be questioned about the RMAC operations, abused privileges and recommendations made to the BOS.

Although these issues apply to all campgrounds within the Quiet Zone, this particular correspondence is focusing on the revocation of SUPs for the **American River Resort** and the **Coloma Resort** on opposite sides of Troublemaker Rapids. Both campground owners act as though they are immune to EDC laws, statutes and ordinances. As stated in earlier, the county needs to enact serious consequences for the on-going violations of the RMP and corresponding SUPs. By mitigating the issues promptly costly law suits involving county malfeasance can thus be avoided. For example:

Note Dave Martinez is owner of the **American River Resort and Business Representative to RMAC. Pierre is aware his business partner is attorney Tom VanNoord. This will obviously present a conflict of interest that needs to be properly addressed with County Counsel.

Pierre Rivas is also familiar with the multiple environmental & SUP issues involving the **Coloma Resort (modular units, DOT, noise management, RMP compliance, etc.) It is my understanding that Peter Maurer is now in charge of that file.

Please advise whether each "hot spot" will be assigned a separate project manager or whether Jim Wassner is the single point of contact from Planning. (Refer to the 2/13/08 meeting agenda held at my home. The audio recorded meeting included Jim Wassner, Supervisor Ron Briggs and a neighbor.)

SPECIAL USE PERMITS

Per conversation with Jim Wassner, the SUPs can be broken down into three categories of outdoor amplified events. All permitting processes and/or enforcement require coordination with the Sheriff's Office:

1. private residence
2. campgrounds
3. business establishments (i.e. restaurants, wineries, bed & breakfast)

As discussed, Jim Wassner looks like he's going to have a sizeable project on his hands, both short and long-term. **Please clarify the yearly number of permitted special events allowed per campground SUP.**

It is my understanding from our conversation today that the Toe Up Cup event on 7/25 did not have the necessary permits. The first & last permit was issued in 2009. **Please delineate the progressive consequences for SUP violations and, if re-occurring, whether they can be made retroactive.**

Please clarify as well whether the campground SUP renewal process takes place on an annual or as needed basis.

FOLLOW UP MEETING

Your cooperation will aid in the timely dissemination of this info to concerned citizens. As we discussed, you'll be contacted about coordinating follow up meetings with county staff.

Should you have questions or need further documentation, please do not hesitate to let me know.

Serving the community,

Melody Lane

Melody Lane
Founder – Compass2Truth
Conservatives serving God, Truth and Liberty

From: Melody Lane [mailto:melodylane@calis.com]

Sent: Friday, July 27, 2012 11:46 AM

To: Pierre Rivas; greg.stanton@edcgov.us; Sheriff DAgostini; Jim Wassner; Jeremy McReynolds; Roger Trout; Gerri Silva
Cc: Jim Byers; Tim Becker; Terri Daly; Kimberly Kerr; Scott Nakaji; Matthew Green; Dana Jorgensen; Davey, Steve; Titus, Dave; Jenna.Nielsen@asm.ca.gov; Wardley, Terry; Rocky Deal; Ross Branch; Norman Gonzales; Jaimie Morgan; mweiser@sacbee.com; ParksInvestigation@doj.ca.gov; Bernie Morton; chovanep@edso.org; greg.stanton@edcgov.us; bosfive@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Ron Briggs
Subject: Follow the \$\$\$...Event at Troublemaker Rapids & the Marshall Gold Discovery State Park

Follow the \$\$\$...

Below is what the all-day ruckus was about on Wednesday at the **foot of my property.**

Excessively loud events such as this are taking place on a regular basis throughout the entire **QUIET ZONE** of the S. Fork American River in violation of the River Management Plan (RMP).

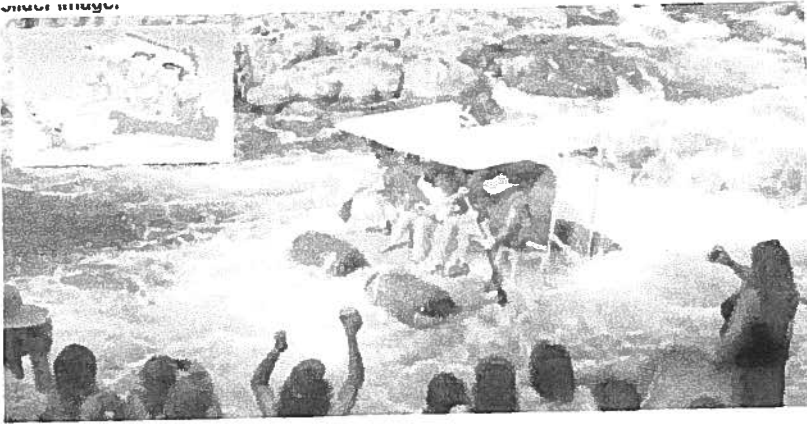
The RMAC *proposed white water park* in Coloma-Lotus is already turning our community into a Disneyland nightmare on steroids. This is a major element of the unfolding CA State Parks and Recreation scandal...

These questions remain unanswered:

- Where is the Planning file for American River Resort who hosted this event?
- What department/person(s) issued the SUP?
- What role does American River Conservancy play in the profit & control of the River Management Plan & EDC Economic Development?
- What role does Environmental Management play in the economic development of the RMP, and how does this impact residents?
- Which Supervisor(s) or county staff is empowering special interest groups & the Chamber of Commerce to manipulate the River Management Plan to their \$\$\$ benefit?
- What is the overall detrimental cost & effect of increasing such unmonitored events upon local residents' quality of life, public safety & property values?
- Why is the Board of Supervisors unresponsive to ongoing inquiries concerning RMAC operations and the MGDP?
- Why did the EDC Grand Jury deny the 2010 *COMPAS* request for investigation into illicit RMAC operations?
- Why has county staff—especially **Code & Law Enforcement**—been evasive and/or unresponsive to citizen complaints over the past several years???
- Why is the Marshall Gold Discovery Historic State Park staff unresponsive and/or uncooperative in mitigating code & law enforcement?
- How does the MGDHSP & CA State Parks benefit from such events, and who is responsible for auditing the revenues?
- What MOUs & contracts exist between CA State Parks & NGOs such as American River Conservancy, Nature Center, Sierra Conservancy? (Refer to attached AB 42 public concerns)
- **What are our legislators going to do about it?**

###

Flintstones on Water... Whitewater Rafting in the Stone Age (Video)



This Aint for just any Barney as the Flintstone raft makes it's way over the Troublemaker rapids.

Cris Alarcon, Placerville Newswire, July 26, 2012

The stone-age whitewater rafters were participating in an event to raise money for the Coloma-Lotus Chamber of Commerce called the Toe-Up Cup event in Coloma. The event is at the American River Resort on New River Road.

<http://www.facebook.com/photo.php?v=4036718712072>

Melody Lane

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DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

<http://www.edcgov.us/devservices>



PLACERVILLE OFFICE:
2860 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 622-1708 FAX
biddept@edcgov.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@edcgov.us

LAKE TAHOE OFFICE:
3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@edcgov.us

September 26, 2012

Melody Lane
P.O. Box 598
Coloma, CA 95613

RE: American River Resort July 25, 2012 Whitewater Event

Dear Ms. Lane:

As discussed at our meeting on August 9, 2012, we agreed to respond to your questions in writing. This letter provides you with a written response to the questions posed in your email received on July 27, 2012: *Subject: Follow the \$\$\$...Event at Troublemaker Rapids & the Marshal Gold Discovery State Park* (copy attached). Please note that responses are only provided to those questions that the Development Services Department has jurisdiction.

Your questions are shown in italics followed by a response.

1. *Where is the Planning file for American River Resort who hosted this event?*

The special use permit file (S91-0006-R) for the American River Resort and any other temporary use permits, etc., issued for the subject properties are kept in the Development Services Department office located at 2850 Fairlane Court, Placerville, CA 95667.

2. *What department/person(s) issued the SUP?*

Special Use Permit S91-0006-R application was approved by the Board of Supervisors on July 28, 1998.

3. *What role does American River Conservancy play in the profit & control of the River Management Plan & EDC Economic Development?*

The American River Conservancy (ARC) is an independent non-profit organization and has no authority granted to it under the River Management Plan.

*Recd. 3-19-13
M. Lane
Open Forum*

4. *Why has county staff—especially Code & Law Enforcement--been evasive and/or unresponsive to citizen complaints over the past several years???*

The Development Services Code Enforcement Unit has adequately responded to all citizen complaints.

Development Services has no information regarding the responsiveness of other law enforcement agencies.

5. *What are our legislators going to do about it?*

Assuming that this question is referring to the unauthorized event at the American River Resort, the legislators (meaning the Board of Supervisors) would only hear the matter if an action taken on the special use permit by the Planning Commission is appealed to the Board of Supervisors. Otherwise, the decisions of the Planning Commission on the special use permit are final.

Sincerely,



Roger P. Trout
Development Services Director

Attachment

Cc: Board of Supervisors
Planning Commission
River Management Advisory Committee
Terri Daly, Chief Administrative Officer
Geri Silva, Director, Environmental Management Department
Jim Wassner, Senior Code Enforcement Officer
Sheriff John D'Agostini
Jeremy McReynolds, Superintendent, Marshall Gold Discovery State Park



Follow the \$\$\$...Event at Troublemaker Rapids & the Marshall Gold Discovery State Park

Melody Lane <melodylane@calis.com>

Fri, Jul 27, 2012 at 11:45 AM

To: Pierre Rivas <pierre.rivas@edcgov.us>, greg.stanton@edcgov.us, Sheriff DAgostini <john.dagostini@edso.org>, Jim Wassner <jim.wassner@edcgov.us>, Jeremy McReynolds <jmcreynolds@parks.ca.gov>, Roger Trout <roger.trout@edcgov.us>, Gerri Silva <gerri.silva@edcgov.us>
Cc: Jim Byers <byersj@edso.org>, Tim Becker <beckert@edso.org>, Terri Daly <Terri.Daly@edcgov.us>, Kimberly Kerr <kimberly.kerr@edcgov.us>, Scott Nakaji <SNAKAJl@parks.ca.gov>, Matthew Green <mgreen@parks.ca.gov>, Dana Jorgensen <dana.jorgensen@sen.ca.gov>, "Davey, Steve" <Steve.Davey@sen.ca.gov>, "Titus, Dave" <Dave.Titus@asm.ca.gov>, Jenna.Nielsen@asm.ca.gov, "Wardley, Terry" <Terry.Wardley@sen.ca.gov>, Rocky Deal <rocky.deal@mail.house.gov>, Ross Branch <Ross.Branch@mail.house.gov>, Norman Gonzales <norman.gonzales@mail.house.gov>, Jaimie Morgan <morganj@edso.org>, mweiser@sacbee.com, ParksInvestigation@doj.ca.gov, Bernie Morton <mortonb@edso.org>, chovanep@edso.org, greg.stanton@edcgov.us, bosfive@edcgov.us, bosone@edcgov.us, bostthree@edcgov.us, bostwo@edcgov.us, Ron Briggs <bosfour@edcgov.us>

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These questions remain answered:

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of Commerce to manipulate the River Management Plan to their \$\$\$ benefit?

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Under image.



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2 attachments



AB 42.docx

30K



News Release COMPAS 11-12-09.doc

169K

Melody Lane

From: Melody Lane <melodylane@calis.com>
Sent: Thursday, July 26, 2012 12:19 AM
To: Bernie Morton; Jeremy McReynolds; Roger Trout; Jim Wassner; Pierre Rivas; Jaimie Morgan
Cc: Terri Daly; Kimberly Kerr; Dana Jorgensen; Titus, Dave; Sheriff D'Agostini; Matthew Green; Scott Nakaji; greg.stanton@edcgov.us; Gerri Silva; bosfive@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Brenda Bailey
Subject: FW: American River Resort SUP
Attachments: decibel levels.jpeg; ARR SUP.jpeg; News Release COMPAS 11-12-09.doc

I've spent the majority of the afternoon on the phone with various EDC personnel regarding the excessive amplified noise at the American River Resort (ARR).

This is a brief recap:

- 1:00 PM – reported to Dispatch excessively loud amplified music @ ARR. Decibel level & bass was so loud the windows vibrated & audible in every room. Requested deputy response after courtesy visit to ARR to turn down the noise to acceptable SUP levels.
- 2:00 PM – Called MGDGP & requested Ranger Susie Matin pay ARR a courtesy visit.
- 2:45 PM – Deputy Sargent responded but had not yet gone down to ARR. Sounded annoyed.
- 2:55 PM – Spoke w/Pierre Rivas in Planning. Suggested I call the EDSO Shift Supervisor & Jim Wassner in Code Enforcement. Also suggested I get involved in **Land Use** meetings. Pierre will follow up w/SUP restrictions & possible permit applications when he finds missing ARR file.
- 3:10 PM – Spoke w/Jamie Morgan in OES. **Informed no SUP/TUPs were issued through OES for event.** Suggested I talk with Pierre in Planning. Also informed me of Search & Rescue event on 9/8 @ Coloma Resort/MGDGP. Jamie will advise me of any future TUPs issued in the Coloma region.
- 3:55 PM – Ranger Susie Matin just returned from ARR. Claimed they had a permit and she had no authority outside the Park; events usually ended by 4 or 5 anyway. Sounded annoyed. Said EDSO had just arrived at ARR; **not her problem.**
- 4:10 PM – Deputy Sargent called from ARR. **Not his problem;** claimed they had SUP; no decibel meter; take it up with Shift Supervisor; too busy. Sounded annoyed.
- 5:10 PM – Sgt. Bernie Morton/Shift Supervisor called. Explained to him department coordination process discussed previously with Sheriff D'Agostini & enforcement of EDC River Management Plan codes/laws/ordinances. **Confirmed decibel meter in OES but not practical or likely to be used. Common sense & attached decibel chart applies.** He agreed to send Pierre Rivas necessary info for Planning to enforce SUP violations.
- 6:55 PM – called Dispatch again but refused to send deputy; just logged call for record, higher priorities. Sounded annoyed.
- 7:00 PM – left messages for Jeremy McReynolds, Jim Wassner & Roger Trout requesting follow up & coordination between departments.
- 8:40 PM – Music finally turned down, but air-horns blasting and bongos pounding loudly.

It is significant that Dave Martinez is **RMAC business representative and owner of ARR** with Ton VanNoord, lawyer. This should give you a clue...

Each of the campgrounds & local business establishments are competing with each other for revenue. The increasing number of **excessively loud and raunchy** music events are drawing an undesirable crowd into our region. Just one example was the recent Coloma Club brawl over the 4th of July weekend. What was not mentioned in the EDSO press

release were the Mexican gangs & racial elements creating a near riot. Notably more Mexicans especially are slowly driving by & appear to be casing homes.

The same weekend the Coloma Resort had fireworks, whistling rockets & gunshots that kept the valley awake 2 nights in a row. There didn't appear to be a campground manager on premises. *Is it going to take another Robbers fire, Aurora shooting or a riot to get the proper attention this deserves???*

It is common knowledge in this community that code/law enforcement turns a blind eye & deaf ear to citizen complaints about SUP abuses. Calling EDSO has proven to be an exercise in futility. Essentially there are no consequences for breaking the law/codes/ordinances until it escalates to a crisis situation. It's now at the point of what residents describe as organized chaos.

None of the campgrounds or businesses are the exception to EDC ordinances stipulated in the River Management Plan. The problem of lack of staffing & law enforcement is compounded by the BOS nod and a wink for the sake of increased revenue. Supervisor Briggs remains unresponsive to inquiries. As a consequence it is "business as usual" at the expense of residents along the American River corridor.



Kim Kerr recently emphasized the need for improved customer service, transparency & accountability. I've therefore copied the CAO & BOS just to make sure nothing falls between the cracks of government bureaucracy.

We anticipate your cooperation in resolving this important matter and look forward to your response.

Melody Lane

Founder – **Compass2Truth**

Conservatives Serving God, Truth and Liberty

Home – (530) 642-1670

Acts 5:29 - "Rebellion to tyrants is obedience to God. ~ Thomas Jefferson ~"

Democracy is two wolves and a lamb voting on what to have for dinner. Liberty is a well armed lamb contesting the vote.

From: Melody Lane [mailto:melodylane@calis.com]

Sent: Wednesday, July 25, 2012 1:57 PM

To: Sheriff DAgostini

Cc: Tim Becker (beckert@edso.org); Jim Byers (byersj@edso.org); Jeremy McReynolds; greg.stanton@edcgov.us; Gerri Silva (gerri.silva@edcgov.us); Laura Lyons (lyonsl@edso.org); Roger Trout (roger.trout@edcgov.us); Pierre Rivas (pierre.rivas@edcgov.us); Ron Briggs

Subject: American River Resort SUP

Sheriff John,

There is presently an excessively loud amplified event at the American River Resort that is intruding into the peace & privacy of every home in the Coloma Valley. (See the attached decibel level document supplied by Sgt. Brown as well as the ARR SUP.)

These events are increasing in frequency throughout the entire QUIET ZONE of the S.F. American River and are disturbing to residents. Additionally it is detrimental to our quality of life and property values. (Refer to section 6 of the River Management Plan and our previous discussions.)

Please respond whether EDCSO or Environmental Mgt. issued the SUP and who exactly is responsible for code/law enforcement and revocation of their permit.

Melody Lane

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Roger Trout, Development Services – Pierre Rivas, Planning Services

8/9/12 @ 10:00 AM

- I. Planning Petition – 6/4/02
Revocation Process

- II. Code & Law Enforcement
Sgt. Bernie Morton – forward info?
Violations 2012 < ?

- III. RMAC
Censoring of minutes
July minutes – Institutional Permits revoked
Greg Stanton/Env. Mgt. –
Stonewalling
S. Fork Newsletter?

- IV. ARR & CR SUPs
Who authorized 7/25 Toe Up Cup event?
Documentation – Code Violations
Annual Renewal Process

- V. Follow Up Mtg.
MGDP/EDSO
CAO/Env. Mgt.
Planning Services/Code Enf.
Legislators

EDSO, MGD, Planning SUP Agenda

September 4, 2012

- I. RMP Subject to Brown Act – 4 Entities:**
 - 1. Federal – BLM
 - 2. State – CA State Parks, F&G
 - 3. Local – Planning, Env. Mgt., MGD
 - 4. NGOs – ARC, Sierra Conservancy, Chamber of Commerce (AB42)

- II. 3 Tiers – Planning/Code Enforcement**
 - 1. Restaurants
 - 2. Special Events
 - 3. Campgrounds

- III. RMAC – SUPs**
 - 1. CA State Parks
 - 2. Environmental Management
 - 3. Planning/Dev. Services – Stonewalling – Fees & Easements

- IV. Code & Law Enforcement**
 - 1. Restoring Trust & Improving Community Relations
 - a) Retaliation
 - b) Media Manipulation
 - 2. Consequences
 - 3. Transparency & Accountability
 - a) MOUs
 - b) Ordinances
 - c) Documentation
 - d) Planning Commission

- V. Next Steps & Follow Up Target Dates**
 - 1. EDSO & MGD
 - 2. CAO-DOT/Environmental Management/Planning