

# 7, 14, 29, 32



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1/12/15 BOS Agenda Items...

BOS 1/12/16

1 message

Melody Lane &lt;melody.lane@reagan.com&gt;

Mon, Jan 11, 2016 at 10:58 AM

To: Jim Mitrisin &lt;jim.mitrisin@edcgov.us&gt;, edc.cob@edcgov.us, michael.ranalli@edcgov.us, ron.mikulaco@edcgov.us

Cc: larry.combs@edcgov.us, Paula Frantz &lt;paula.frantz@edcgov.us&gt;, michael.ciccozzi@edcgov.us, bosfive@edcgov.us, bosfour@edcgov.us, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

There are several issues requiring public transparency and accountability relevant to the 1/12/15 BOS agenda.

*\*Note: Members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing [school district] employees were unconstitutional. (Leventahal v. Vista Unified School Dist. (1997) 973 F. Supp. 951 Baca v. Moreno Valley Unified School dist. (1996) 936 F. Supp. 719.) 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**, therefore foreclosing **meaningful public dialog**.*

*The Act provides criminal misdemeanor penalties for certain violations. Specifically, the Act punishes attendance by a member of a body at a meeting where action is taken in violation of the Act, and where the member intends to **deprive the public of information** to which the member knows or has reason to know the public is entitled. (§ 54959.) The term "action taken" as defined by section 54952.6 includes a collective decision, commitment or promise by a majority of the members of a body. The fact that the decision is tentative rather than final does **not shield participants from criminal liability**; where "action" within the meaning of the statute was taken would be a factual question in each case. (61 Ops. Cal. Atty. Gen. 283, 292-293 (1978).)*

Please publicly post the entirety of this correspondence to Items #7 & 14 on the 1/12/15 BOS Consent previously requested to be pulled for public discussion.

Also include the entirety of this correspondence with items #29 and #32 for public discussion.

Thanks for your anticipated cooperation.

*Melody Lane*

Founder, Compass2Truth

Conservatives Serving God in Truth & Liberty

***"It does not take a majority to prevail... but rather an irate, tireless minority, keen on setting brushfires of freedom in the minds of men." ~ Samuel Adams ~***

**From:** Tim Kulton [mailto:tkulton@gmail.com]  
**Sent:** Saturday, December 19, 2015 2:22 PM  
**To:** Fire- Melody Lane  
**Cc:** Deborah S Kruse  
**Subject:** Responding to your request...

Date: Dec. 19, 2015

Dear Ms. Lane:

We are writing in response to your several recent contacts both in person and through email and thank you for your interest in the Coloma-Lotus Fire Safe Council.

The Coloma-Lotus Fire Safe Council (CLFSC) is a newly formed associate of the El Dorado County Fire Safe Council (EDCFSC). The El Dorado County Fire Safe Council is a private non-profit, public benefit corporation formed as a tax exempt entity. The word "County" in the title refers to a geographic area and does not imply that the EDCFSC is a part of El Dorado County Government.

As the EDCFSC is a private corporation it is not subject to the Brown Act and is not subject to public records laws or the freedom of information act. Even though the council is not required by law to comply with these regulations, the council and its leadership strive to maintain transparency and to the extent possible follow the intent of these laws. The meetings and agendas are published in advance and meeting notes or minutes are posted for public access. The public is encouraged to attend the meetings and there is a public comment period at each meeting where members of the public community can make their views known to all.

It seemed to me that your questions in front of the Argonaut would be more appropriate at one of our public meetings, or our web site where everyone could hear/see the questions as well as the answers. In fact, as open and transparent public meetings is one of your stated objectives, we agree and invite you to attend and participate.

Our Council was formed from verbal requests at our meetings this year and in the March 2015



Agenda. Item 7 of the meeting held on Tue. March 31st was:

1. How to get Involved/Areas of Need:

- Survey – What is important to you?
- Secretary, Treasurer, Chief of Communications, Field Event Coordinator, Emergency Preparedness Coordinator

Just for the record, the volunteer board officers were elected at our public meeting in October by a majority of those present. The Officers are: Deborah Kruse – Chairperson & Secretary, Tim Kulton – Co-Chairperson and Treasurer and Bill Deitchman – Project Manager. All of the board members are volunteers and are sacrificing their time to assist the community. The council's sole objective is to help our residents and community to become more fire safe. We are focused on wildfire planning and vegetation fuel mitigation. Issues with law enforcement, the recreation vendors and with county staff are beyond our charter, scope and control. Additionally, to date, the Coloma-Lotus Fire Safe Council has not applied for nor has it received any funding, public or private. Voluntary contributions are requested and appreciated.

We encourage you to attend our meetings and become a productive part of our process.

Sincerely,

Deborah Kruse

Chairperson

Tim Kulton

Co-Chairperson



**County Council Response CPRA dated 12-02-15 Melody Lane.pdf**

138K

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December 11, 2015

Melody Lane  
Compass 2 Truth  
P.O. Box 598  
Coloma, CA. 95613

Re: CPRA dated December 02, 2015, pertaining to the Coloma/Lotus Fire Safe Council.

Dear Ms. Lane:

In response to your CPRA dated December 2, 2015, regarding the Coloma/Lotus Fire Safe Council, the County has the following response:

1. The County has no records "substantiating the application of the Coloma Lotus Fire Safe Council, the date it was formed, the names of the officers and the method/policies by which they were selected." The El Dorado County Fire Safe Council and the various local sub-councils are not County agencies. The El Dorado County Fire Safe Council is a non-profit public benefit corporation formed as a tax exempt organization. The County did not govern their initial formation, does not govern the formation of local sub-councils, and does not select their officers, set their policies or keep their records. They do not submit the names of their officers to the County. Therefore, for documents about the formation of the local councils, and for information about the names of officers and the council's selection policies, I suggest you contact the Fire Safe Council directly. Their website is [edcfiresafe.org](http://edcfiresafe.org). Their address is El Dorado County Fire Safe Council, P.O. Box 1011, Diamond Springs, CA 95619, and their phone number is 647-1700.

Members of the Board of Supervisors sometimes attend Fire Safe Council meetings in their district, as they attend other public meetings. To try to help you in your research into timing of formation of the Coloma Lotus Council, I have attached minutes from all of the Board of Supervisors meetings where attendance at Coloma Lotus Fire Safe Council meetings was mentioned. In addition, the Fire Safe Council made a presentation to the Board on December 08, 2015, and information about the Fire Safe Council is available on the County's website as part of the agenda for that date. However, I did not see any specific reference to Coloma Lotus in the materials for that day.

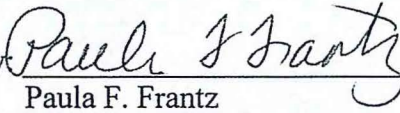


2. The County has no “copies of contracts/agreements with the Coloma Fire Safe Council” or contracts with “tree trimming/chipping agencies” in the Coloma-Lotus area. We located one contract with a tree service, to perform services on County owned property in Placerville which did not seem responsive to your request but I’ve attached it for your review.
3. I have attached copies of “all correspondence between Supervisor Ranalli, Tim Kulton, Deborah Kruse and all officers and active participants pertaining to the implementation of the Coloma Lotus Fire Safe Council.”

I hope this is of assistance.

Sincerely,

ROBYN TRUITT DRIVON  
County Counsel

By   
Paula F. Frantz  
Sr. Deputy County Counsel

cc: Board of Supervisors:  
Brian K. Veerkamp, Chair, District III  
Ron Mikulaco, District I  
Shiva Frentzen, District II  
Michael Ranalli, District IV  
Sue Novasel, District V