

L. Parlin Open Form BOS 11/4/14

BOS Comments 11-4-14

I'm handing you 2 documents. One is a photo of No-No-No M-N-O handouts on the counter at our El Dorado County Chamber of Commerce. The other is a recent form 497 from the Chamber's Political Action Committee (known as a PAC) that shows the PAC's address as 542 Main Street, which is the same as the Chamber's address. I thought we've had this discussion before where the Chamber was told that it is not to use it's county-leased building for political activities? Why is this still continuing to happen? Because of this continued political activity at the Chamber's office I am once again asking you to cut the purse strings to the Chamber.

This flagrant act of impropriety brings me to my next item. Last Tuesday there was an item on the agenda where Supervisor Veerkamp was going to remove Tom Heflin from the Planning Commission. Many people contacted me and said that they were very proud that Supervisor Veerkamp was taking swift action to remove Mr. Heflin. Mr. Heflin's appearance in a TV commercial paid for by Marble Valley Corporation and Serrano Associates, which are both ventures of Parker Development, shows his bias toward high-density development in El Dorado County. I was there last Tuesday and had prepared to go to the podium and publicly thank you, Supervisor Veerkamp, for taking swift action to restore the public's faith in our leaders. However, instead, the room fell silent with complete shock when you suddenly took the item off calendar. Why didn't you follow through with removing Mr. Heflin from the Planning Commission? That would have shown that you are serious about placing unbiased supporters of our current land densities on our County commissions. Whether anyone wants to admit it or not, by appearing in that TV commercial, Mr. Heflin is now beholden to Parker Development and proponents of high-density development. Many people will say that it is just perception, but we all know that perception becomes reality and actions speak louder than words.

Supervisor Veerkamp, do not wait until the end of the year to remove Mr. Heflin from the Planning Commission. Please finish what you started and put the item back on the agenda for immediate action. Show us that you have the wherewithal to stand up against the developer influence in El Dorado County.

Lori Parlin

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On October 31, 1517, Martin Luther posted his Ninety-Five theses on the door of the Castle Church of Wittenberg. ***Christianity was for all time changed by one man's confrontation with authority.***

More recent history states in the First Amendment, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or of the press; or the right of the people peaceably to assemble, and to **petition the Government for a redress of grievances**."

The Amendment was clear, and its intent was not to keep religious people out of government, but rather to keep government out of religion. Are we so politically correct that we will stifle dissent? This book (Constitution & Bill of Rights) is based upon biblical scripture. The law should have nothing to do with restricting or restraining the free exercise of a religious people who object to deceit and tyranny.

The First Amendment cannot be allowed to wither and die on the altar of political correctness. Maybe it's time to nail it to the door of every city hall, BOS, state capital and entrance to Congress every day, so they have a daily reminder of what they're not allowed to do.

Dissent may well be the foremost of freedoms necessary to restrain despotism. Nothing chills dissent, speech, or the free exercise of religion like the heavy hand of government. The political scientists and hacks among us do NOT recognize the SPIRITUAL warfare that we face or the spirit of darkness that governs in high places. Even many professing Christians seem to suffer from this myopia.

Perhaps today this Board may be changed for all time by my own biblical confrontation with county authority...

On October 21st Sheriff D'Agostini was grossly OUT OF ORDER when during Consent as a means to justify cutting off my email access to EDSO he falsely accused me of "**taking up too much of his staff's valuable time.**" This was an arrogant abuse of the public's trust, totally in violation of the First Amendment, and an example of the bullying which has become the hallmark of EDC.

You mean to tell me the Sheriff can't be bothered to schedule follow up meetings, respond to CPRAs, or correspond regarding issues within his jurisdiction especially those concerning public safety??? I was reminded of Martin Luther and my hope was that someone would stencil the First Amendment upon parchment and nail it to the doors of the Sheriff's Office and this BOS.

The Sheriff needs to be reminded of his Constitutional Oath of Office. He works for US. His public "cheap shot" at an evangelical senior citizen on October 21st was a disgrace to his profession. He should be ashamed for slinking out the back door and avoiding the issues after someone cut off the mic when I briefly approached the podium to set the record straight.

That was not the type of leadership that citizens of this county expect of any public official. I'd like to see the Sheriff put *that* incident on the next episode of "**The Sheriffs of EDC!!!**" His cowardly actions need to be spoken out against, now, and vehemently. Anything short of full dissent is not freedom and should be fought with vigor, no matter your opinion on the subject at hand.

I'd now like to segue to the **OBSOLETE Resolution 113-95** and the topics of AB1234 and Unjust Enrichment. Apparently the Sheriff and his staff are ignorant of the changes of law that took place in 2005. Therefore I'm submitting into the public record my reply to the October 17th CPRA concerning EDSO record fees being limited to "direct costs of duplication" as defined by A Guideline for CPRAs. I refuse to pay \$30 for materials that should total less than \$1 just because the Sheriff wants to supplement his budget. That is known as Unjust Enrichment.

Counsel: Please take heed to correct this unlawful practice ASAP as Chairman Santiago can attest she informed us this should have been remedied months ago.

In closing, the Brown Act supports broad Constitutional rights by making it clear that you don't have to like what you hear in these chambers. Elected representatives are required by their Oaths of Office to be respectfully attentive to constituents, engage in dialog concerning the **people's business**, and take appropriate action to address those concerns without stonewalling or other deceptive tactics.

Counsel: Please enter this reply to Sheriff D'Agostini into the public record and note that his timely response is expected in accordance with the law.

- 1) This transcript
- 2) 11/3/14 CPRA reply to Sheriff D'Agostini

CC: D.A. Vern Pierson



Compass2Truth

Citizens Serving God in Truth and Liberty

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November 3, 2014

To: Sheriff John D'Agostini
Lt. Bryan Golmitz

CC: D.A. Vern Pierson
County Counsel Robyn Drivon

CPRA DIRECT COST OF DUPLICATION **UNJUST ENRICHMENT**

Dear Sheriff D'Agostini,

On October 30th I received a response from Records Supervisor Danette Helwig in response to two CA Public Record Act requests for information submitted 10/17/14 concerning EDCSO Case Files #14-9527 and #14-9558. Ms. Helwig indicated there would be a \$30 charge for information pertaining to these two files pursuant to EDC Resolution No. 113-95.

On numerous occasions you, the Board of Supervisors, and County Counsel have been made aware that Resolution 113-95 was rendered **obsolete** by AB1234 when it was signed by the Governor in 2005. For that reason Resolution 113-95 no longer exists on the EDC government website.

In brief, any fee in excess of the direct costs for duplication for information requested via a CPRA is called Unjust Enrichment (i.e. unlawful/unethical.) The direct costs of duplication DO NOT include costs affiliated with the research, retrieval, or redaction of a record. An agency CANNOT charge a person requesting copies of records for these costs. The theory is that these costs must be borne by the agency as part of its duty to serve the public. Per *A Guide to California Public Record Act Requests*:

"Copy costs are limited to "statutory fees" set by the Legislature (not by local ordinance) or the "direct cost of duplication", typically 10-25 cents per page. Charges for search, review or deletion are not allowed. (§ 6253(b)); North County Parents v. DOE, 23 Cal.App.4th 144 (1994).

This subject has been exhaustively discussed in regular meetings with Chairman Norma Santiago. We were assured months ago that EDC Counsel was taking steps to comply with the law. Therefore I expect minimal charges will be applied to this request in compliance with CPRA Guidelines. Please inform your staff accordingly of these changes. I look forward to the courtesy of your personal and prompt acknowledgement of this notice.

Sincerely,


Melody Lane

Attachment: 10/24/14 Helwig/D'Agostini reply to CPRA

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Rec'd 10/30



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

October 24, 2014

Compass2Truth
Melody Lane
P.O. Box 598
Coloma, CA 95613

Re: Public Records Act Request

Ms. Lane,

I have received your PRA request via El Dorado County Board of Supervisors, dated October 17, 2014, requesting EDSO Case File # 14-9527 and 14-9558 including audio recordings, emails and any other relevant correspondence. Request for all EDSO issued Special Use Permits to the Coloma Resort for amplified music events since the year 2000.

Your request for reports 14-9527 including audio, 14-9558 and Permit Application for Live Outdoor Amplified Music/Concert, have been prepared and ready for pick up at El Dorado County Sheriff's Office located at 300 Fair Lane Placerville CA in the Records Section. A \$30.00 fee is due at time of pick-up, pursuant to our El Dorado County Resolution No. 113-95. ~~Obsolete~~ AB1234 & CPRA Guidelines = direct costs of duplication

If I can be of any further assistance, do not hesitate to contact me Monday through Friday 8AM to 4PM.

Sincerely,

JOHN D'AGOSTINI
Sheriff-Corner
Public Administrator

By: Danette Helwig
Danette Helwig
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

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