

#29

Kim Dawson

From: melody.lane@reagan.com
Sent: Tuesday, April 29, 2025 12:54 PM
To: Kim Dawson; BOS-Clerk of the Board; George Turnboo; Mark Treat; Lori Parlin; Shelley Wiley
Cc: David A Livingston; Tiffany Schmid; contact@edcgrandjury.com; BOS-District V; BOS-District IV; BOS-District I; BOS-District III; BOS-District II
Subject: 4/29/25 BOS Approval of the Agenda/Consent - Item #29 Department Matters/BOS response to the Grand Jury TIME SPECIFIC
Attachments: Brown Act Rights of the Public.docx; EDC Core Values.docx

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Please ensure that the entirety of my below public comments, and attachments, are added to both the Approval of the Agenda/Consent and Item #29 – BOS response to the Grand Jury.

Due to the fact that the BOS again ignored my request to assign a specific time for Department Matters/BOS response to the Grand Jury I was unable to voice my concerns regarding Agenda Item #29 – Grand Jury responses. I have no idea when the item was to be heard, therefore I had to leave for a previously scheduled appointment.

The BOS are *public servants*, yet they have been making a habit of ignoring constituent concerns, violating the Brown Act, and 1st Amendment Rights of the Public (attached). Their lack of transparency and accountability is very disturbing. The BOS and Department Heads won't even acknowledge phone calls or emails. That is not government representation; it is despotism.

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This is a repeat request to have Item #29 GJ/Department Matters assigned a **specific time**. I am exercising my 1st Amendment rights to request this item be assigned a specific time so that constituents don't have to wait all day for you to grant them "permission" to make their voices heard.

George, as Chairman, you have the responsibility to act as spokesperson for the entire Board of Supervisors. Last week the pastor of Cool Community Church prayed that the BOS would have the "courage to do the right thing", but apparently that prayer fell upon deaf ears.

Before I even began my comments I distributed the Brown Act Rights of the Public to the BOS so you would have a point of reference. **I further requested that you pay particular attention to the wording within the Brown Act preamble.** By refusing to respond to my email requesting a specific time be assigned to Grand Jury matters and then deferring to David Livingston regarding my time-specific request, you flaunted blatant discrimination and disrespect for the sovereignty of the public.

David Livingston erroneously stated, *"The Brown Act does not require that items be heard at a time certain."* For clarification, Mr. Livingston is NOT your spokesperson, nor does he represent the voice of the BOS. George, that's your job as BOS Chairman.

By depriving the public of their **sovereignty** and “**control** over the legislative bodies they have created” as stated in the preamble, you are in direct violation of the Rights of the Public and EDC Core Values.

Once again the BOS responses to the Grand Jury recommendations state, “***The recommendation will not be implemented because it is not warranted.***” It is outrageous how out of control the BOS have become under the guidance of Mr. Livingston. Furthermore, the BOS is demonstrating a gross disrespect for the public and the recommendations of the Grand Jury.

Shame on you George. You demonstrated beyond a shadow of a doubt that you don’t take your oaths of office seriously and are unfit to serve as Chairman of the BOS. My recommendation is that you all enroll in Larry Thornhill’s ***Biblical Citizenship*** class starting next month at the Diamond Springs Community Center.

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Sincerely,

Melody Lane

Founder – Compass2Truth

Brown Act Preamble: “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.**”

CALIFORNIA BROWN ACT

PREAMBLE:

"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."

CHAPTER V.

RIGHTS OF THE PUBLIC

§54954.3 Public's right to testify at meetings. (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body.

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. (*Leventhal 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, thereby foreclosing meaningful public dialog.

54954.2 E (3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.

Where a member of the public raises an issue which has not yet come before the legislative body, the item may be briefly discussed but no action may be taken at that meeting. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)

EDC Core Values:

Accountability

Responsible for our decisions and behavior. Creating a safe environment where we are answerable to our citizens, co-workers, superiors, direct reports, and other stakeholders.

Collaboration

Cross-functional teamwork, communication, and cooperation countywide, while creating a silo-free organization.

Integrity

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

Service Excellence

(Citizen-Oriented Service) – Provide comprehensive service to all citizens of El Dorado County while loyally doing our job without expectation of recognition or personal gain.