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EDC COB <edc.cob@edcgov.us>

Please Pull Item #9 from the 1/5/15 BOS Consent Agenda

1 message

Melody Lane <melody.lane@reagan.com>

Mon, Jan 4, 2016 at 11:16 AM

To: Jim Mitrison <jim.mitrison@edcgov.us>, edc.cob@edcgov.us, michael.ranalli@edcgov.us

Cc: brian.veerkamp@edcgov.us, Robyn Drivon <robyn.drivon@edcgov.us>, Paula Frantz

<paula.frantz@edcgov.us>, bosfive@edcgov.us, bosfour@edcgov.us, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Please pull Item #9 from the 1/5/15 BOS Consent agenda for public discussion as it applies to the attached documents.

***Note:** the CPRA submitted on December 15, 2015 was **delinquent 12/31/15**.

9. 16-0017 County Counsel recommending the Board approve and authorize the

Chair to sign an Agreement for Legal Services between El Dorado County and Abbott & Kindermann, LLP.

FUNDING: The cost for legal services will be funded by the impact mitigation fee funds named in the Complaint.

Melody Lane

Founder – **Compass2Truth**

Conservatives Serving God in Truth & Liberty

"In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution." ~ Thomas Jefferson ~

3 attachments

 **12-24-15 Drivon CPRA FSC reply.pdf**
4430K

 **12-15-15 Outside Legal Contractors.doc**
81K

 **BOS Outside Counsel Contracts MD 1-4-16.doc**
398K



Compass2Truth

Citizens Serving God in Truth and Liberty

P.O. Box 598
Coloma, CA 95613

December 24, 2015

County Counsel Robyn Truitt Drivon
County Government Center
330 Fair Lane
Placerville, CA 95667

RE: CA Public Record Act Requests – Coloma Lotus Fire Safe Council

Dear Ms. Drivon,

Thank you for your letter dated December 17, 2015. However you were in error about a duplicate submittal of the December 2, 2015 CPRA regarding the Coloma Lotus Fire Safe Council. Note that particular CPRA was submitted to the Clerk of the Board on December 15, 2015 as an attachment referred to in item #4 of my Open Forum presentation. **(See Exhibit A)**

A separate CPRA dated 12/15/15 regarding outside legal contracts was submitted into the public record as document #5. A response from Counsel is due by December 31, 2015.

Compass2Truth specifically requested the *names of the CL FSC officers and how/by whom they were elected*. Despite phone calls, emails and public inquiries made on multiple occasions Supervisor Ranalli, staff and County Counsel have refused to respond to requests for public information regarding the Coloma Lotus Fire Safe Council (CL FSC). We allege a pattern of violations of **Government Code § 6200-6203**:

6200. Every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any purpose, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years if, as to the whole or any part of the record, map, book, paper, or proceeding, the officer willfully does or permits any other person to do any of the following:

- (a) Steal, remove, or secrete.
- (b) Destroy, mutilate, or deface.
- (c) Alter or falsify.

6201. Every person not an officer referred to in Section 6200, who is guilty of any of the acts specified in that section, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

6203. (a) Every officer authorized by law to make or give any

certificate or other writing is guilty of a misdemeanor if he or she makes and delivers as true any certificate or writing containing statements which he or she knows to be false.

(b) Notwithstanding any other limitation of time described in Section 802 of the Penal Code, or any other provision of law, prosecution for a violation of this offense shall be commenced within four years after discovery of the commission of the offense, or within four years after the completion of the offense, whichever is later.

(c) The penalty provided by this section is not an exclusive remedy, and does not affect any other relief or remedy provided by law.

Tim Kulton also refused to reveal this public information to an “active member” of the FSC as evidenced by his email correspondence. It is significant that Mr. Kulton, Supervisor Ranalli, as well as CA State Parks Ranger & RMAC representative Bill Deitchman have all been advised not to speak with me which constitutes a violation of my Civil Rights. **(See Exhibit B)**

It is evident Mr. Kulton’s 12/19/15 response was drafted by County Counsel on behalf of “a private non-profit, public benefit corporation formed as a tax exempt entity”. The CL FSC is a non-government organization (NGO) represented by EDC staff at taxpayer’s expense which is in violation of **Government Code Title 18 §241 and §242**.

Additionally please note the following American BAR Association Code of Ethics violations:

Maintaining The Integrity Of The Profession
Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) **engage in conduct involving dishonesty, fraud, deceit or misrepresentation;**
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or **other law**; or
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct **or other law**.

We are doubtful that Counsel submitted “all correspondence between Supervisor Ranalli, Tim Kulton, Deborah Kruse, and all officers and active participants” as requested in the 12/2/15 CPRA. Accordingly I wish to bring to your recollection the purpose of our 11/12/14 meeting. Note these particular transcript excerpts:

CONCERNING RESOLUTION #113-95 VERSUS AB1234, WE HAVE NOT RECEIVED A RESPONSE FROM COUNSEL AS PER THE FOLLOWING:

Melody: This is The Guide to the Public Records Act.

Lawyer-Witness#1: OK. I think you sent me that.

Melody: Yes I did. But it says right on here “Not by local.” And the Sheriff has been reminded of that, and I think you were present at a TEA Party Patriots meeting in El Dorado Hills when I brought up this whole thing about the Sheriff... you know...wanting to charge \$10. It’s called Unjust Enrichment. And he says that’s how he... you know...he publicly said this...that’s how he raises funds for his department. It’s against the law. Bad thing to say. And when he was challenged I said, “Oh, so you have to pay for justice?” He closed the meeting out and he stormed out of the room. And that’s a pretty serious charge there.

Robyn: Well, let’s just put a star by that one and I’ll...I’ll take a look at that.

###

Melody: And that’s part of something I want to cover on here too. And if you look under number 3, Obstacles, number 113-95 versus AB1234. Uh, this has to do with the Sheriff’s Department. The Resolution 113-95...in our meetings which Lori has been at practically all of those that we’ve been having with Norma Santiago...this Resolution which is supposed to be on the El Dorado County government website is not on there. And uh...that’s because AB1234 was passed in 2005 which rendered 113-95 obsolete. That had to do with the different fees you can charge, and this is where you get into the ethics training. The whole thing about AB1234 you can’t charge any more than the direct costs of duplication...

Robyn: Uh Melody...Melody...I ah have to just interrupt a...I disagree. And the county as a whole disagrees. I looked...I looked into that for you when you sent the letter about the Sheriff’s resolution. The Sheriff’s resolution has never been rescinded. This is still in effect. When I...when I asked for it from the Clerk’s Office they got it right away. Um, but the Public Records Act still says that you can charge either the direct costs of duplication or a statutory fee. And...

Melody: Not according to what I’ve got.

Robyn: Well...the...the...the Public Records Act in the government code says that you...you can...you...you...it is...(long pause)....

Paula: And that might just to put a star because...

Melody: This is an issue. And just so you know in one of our meetings I think it was in um...it was either in Apr...May or June...when we met with Norma...and Norma confirmed that 113-95 is not on the government website. County Counsel Ed Knapp had gone over this whole deal. I had conversations with Ed Knapp and he agreed. And Norma agreed and said in their conversations with Counsel that 113-95 was rescinded. I was correct...and I’ve got the audio.

Paula: Could you put a star on that one?

Melody: Yeah, put a star on that one because that’s one we’re going to need to follow...

Lawyer-Witness#1: 113-95 would that be a county resolution...or is that...that’s a county resolution, correct?

Paula: It’s a county resolution.

Melody: It’s a county resolution.

Lawyer-Witness#1: 1234 would be superior to that.

Robyn: Yeah...if...if...if it...if it...

Lawyer-Witness#1: State law is superior to county law if there's a conflict.

###

CONCERNING APPROPRIATE RESPONSES TO CPRAS WE HAVE NOT RECEIVED YOUR REPLY REGARDING INDEXING, IT-BACKUP AND RECORD RETRIEVAL:

Paula: Well...let me just say...what I started to say was um, I haven't been involved as you know with this up until now but I do um...help all of my departments...but I do represent with all the various Public Record Act requests that they get and that's where...that was the basis for what I said was a lot of it is...that...I used to say all of the time that when I first got here that the Keystone Kops don't conspire...They're too stupid to. And...and...(laughter). Our record system is stupid. Let me just start by that. We don't have a well-set forth...um...By the way...are you...are you taping me?

Melody: I am.

###

Lawyer-Witness#1: Well you could say the record system is...difficult.

Paula: OK. Exactly. The record system is antiquated and not necessarily very um...thoroughly integrated because as I said they've been in different... um...different places and there are just various buildings. So it is not as easy as you might think when you said to me...just to the county...there's no such thing as just a county centralized record system. CDA which was...several other departments... kept their own records...their um...(long pause)...their own...er...

Lawyer-Witness#1: They're all over the place...

Paula: ...and they're kept separately.

###

Melody: Now is the County email system and everything else...all of their electronic records backed up every night?

Paula: You know I would not be the right person to ask about all of that. You know I'm not the IT person and people will tell you I'm not that IT savvy. I don't even have a cell phone. I never tape record anybody. Um, I don't...I...I...I tend to be still where I pick my (?)...but my understanding is yes it is backed up um, every night but I...I couldn't guarantee that because I don't work in IT and I've never been down there to see how they do it.

Melody: But my understanding is, especially when you are dealing with government entities, everything has to be backed up. I mean look at...

Lawyer-Witness#1: Unless you're the IRS.

Melody: Yeah. I was going to say...yeah. Look at the IRS. I was going to say that whole missing records were found.

###

Melody: This is one CPRA that I received in the mail where I asked for correspondence and I got maps.

Paula: And my understanding was that the response to that...was...was that...

Melody: But I still haven't got correspondence. (laughter)

Paula: But that's a different issue. Because...because...let's just talk about a different issue. The only one I've done which was October 20th.

###

REGARDING THE INDIVIDUAL/GOVERNMENT ENTITY RESPONSIBLE FOR FOLLOW UP, TRACKING AND TIMELY RESPONSES TO CPRAS:

Melody: OK. Is...is there going to be a point person or personnel now that Ross is gone that's going to be coordinating logging and tracking?

Paula: Yes. Our...our...um...(long pause)...our business manager...our...I don't know exactly what her title is...um but she has agreed that she will take on the...the duty...the...our administrative duties...

Lawyer-Witness#1: Our...our meaning the County Counsel.

Melody: Yeah. How's that going to work?

Paula: She...she will be...um...you know...taking...taking the documents and scanning...um...putting them in the...um...putting them...you know...they came in and they went out and...and who I direct them out to...and when...when...

###

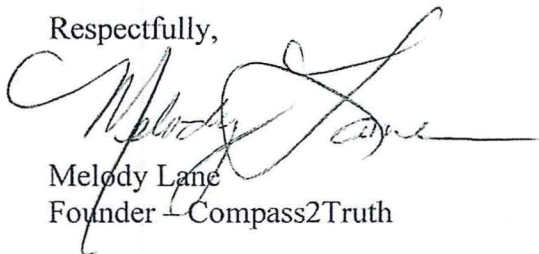
Robyn: Can I just...and I think that's kind of a...a...an example...of...what were' trying to do...with this meeting...is a process and with any luck we've got fine-tuned is...you know the spirit of the Public Records Act is...to help...when you ask for some...thing...that may or may not exist but it also may not be the best source of...

Paula: ...the information...

Robyn: ...or most utilitarian. And so if we can just have...you know...Molly is going to be a Nazi about the spreadsheet in term of timing. But Paula and whoever it is as staff can help you in that translation. I think that's what...

The courtesy of your response to these unresolved CPRA issues is expected prior to your departure from EDC employment in January.

Respectfully,



Melody Lane
Founder - Compass2Truth

CC: Sr. Deputy Counsel Paula Franz
Board of Supervisors District 1, 2, 3, 4 & 5
HR Director Pamela Knorr
CSP Counsel Rory Allen

Attachments:

Exhibit A - 12/15/15 Open Forum transcript
Exhibit B - 12/19/15 Kim Kulton email

In 2013 I hosted a private all-day symposium at my home featuring two nationally-known experts on the topic of Constitutional law. One of the speakers wanted to bring Brian Veerkamp and Sheriff D'Agostini with him which would have been disastrous since my guests wouldn't have felt comfortable candidly expressing themselves in their presence.

Eighteen guests were invited, many of whom have been in the news, with the expectation that perhaps half of them would attend. I was pleasantly surprised when 17 people showed up, some of them early. After opening in prayer, the speaker asked my guests to introduce themselves and their reason for attending. *Each one without exception* replied, "**Corrupt government!**" One guest has already spent over \$7M on legal fees litigating a lawsuit that could have been avoided had the county just done the "right thing" in the first place.

The term doing things "by the book" is derived from a reference to biblical law which is the foundation of Constitutional law framed by the founders of our nation.

Sunshine laws such as FOIA, CPRA, and the Brown Act were instituted to ensure public transparency and accountability to the citizens whom elected officials profess to serve. AB1234 is the basis of mandatory ethics training for public officials described in this manual (Public Service Ethics). Even the Sheriff and County Counsel are required to sign an Oath of Office to support the US & CA Constitutions.

However just because something may be lawful doesn't mean it is ethical. Employees regularly abuse their fiduciary which presents major headaches for Risk Management. Ultimately lawsuits are filed at taxpayer's expense and the attorney's lucrative profit. The root of EDC's problem with Shadow Government is seated to the left of me > CAO and County Counsel. For example:

- 1) Last week's loaded BOS agenda was surreptitiously held in Somerset instead of this room. Had I not sent out a notice it is likely nobody would have shown up. The video and minutes of that meeting are not yet available as required by law.
- 2) The United Domestic Workers used to line up to the back of the room every Tuesday during Open Forum until Health & Human Services Director Don Ashton told them not to show up at any more BOS meetings. When asked to put that in writing he refused to do so for obvious reasons.
- 3) During the November 20th Taxpayers Assn. Chairman Veerkamp claimed the BOS meetings need to be "streamlined." Since when does expediency justify Brown Act violations, refusal to pull items from Consent, and censoring citizens?

EXHIBIT A

- 4) Minutes and reports to the BOS are deliberately falsified by staff; specifically RMAC, Development Services, and Parks & Rec.
- 5) No oaths of office on file with HR for Roger Trout, Vickie Sanders and Noah Rucker...and who knows how many other employees?
- * 6) Mike Ranalli stonewalled the coordination of a Coloma Lotus Fire Safe Council meeting request made 5 months ago and refused to respond publicly to matters within his district. He still hasn't revealed the officers or how they were selected.
- * 7) A Conspiracy to commit fraud, harassment and libel relevant to the 9/14/15 RMAC meeting witnessed by Supervisor Ranalli ended up in the black hole of government bureaucracy headquartered in this building and guarded by County Counsel.

We met at the request of County Counsel last year regarding failure to respond timely and appropriately to CPRAs. The agenda for that audio recorded meeting is being submitted with supporting documentation into the public record. Note Counsel has yet to respond to those issues.

What's really going on here? Where's our representation, Mr. Ranalli? Case in point is this recent email excerpt from Paula Franz in response to a CPRA:

"Mr. Trout had also responded promptly to let me know that he does not have a copy of an oath of office; however, due to absences in the HR department, I never heard back from them about Mr. Trout's oath of office. While waiting for a response from them, this request inadvertently fell through the cracks on my desk. I apologize both to you and to Mssrs. Ranalli and Trout."

The apology of County Counsel is no excuse for incompetence or ignorance of the law. Accordingly another CPRA pertaining to outside law firms contracted by EDC to supplement Counsel's team of 14 lawyers is hereby submitted.

Madam Clerk: Please enter these documents into the public record and note you have 10 days to respond to the CPRA:

1. This transcript
2. 11/10/15 @ 8:54 AM CPRA Ranalli Trout oaths of office Paula Franz email
3. 11/12/14 Counsel Agenda re: CPRAs & Brown Act Violations
4. 11/12/15 @ 3:41 CL FSC CPRA correspondence w/Paula Franz
5. CPRA – Outside Legal Contracts

Melody Lane

From: Tim Kulton <tkulton@gmail.com>
Sent: Saturday, December 19, 2015 2:22 PM
To: Fire- Melody Lane
Cc: Deborah S Kruse
Subject: Responding to your request...
Attachments: County Council Response CPRA dated 12-02-15 Melody Lane.pdf

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?

EXHIBIT B

- 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 COUNSEL
ROBYN TRUITT DRIVON

CHIEF ASS'T. COUNTY COUNSEL

PRINCIPAL ASS'T. COUNTY COUNSEL
JUDITH M. KERR

SR. DEPUTY COUNTY COUNSEL
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LAUREN C. BOWERS
JOMO K. STEWART

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. 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.

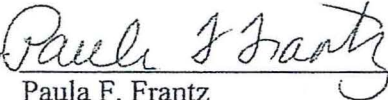
Melody Lane
December 10, 2014
Page 2

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

PFF/cp

16-0017 Public Comment
BOS Rcvd 1-4-16



Compass2Truth

Citizens Serving God in Truth and Liberty

P.O. Box 598
Coloma, CA 95613
melody.lane@reagan.com

December 15, 2015

To: El Dorado County Board of Supervisors
EDC Clerk to the Board

CA PUBLIC RECORDS ACT REQUEST

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain the following:

- Documentation from the County Auditor identifying each of the outside law firms contracted by El Dorado County to supplement County Counsel's team of 14 lawyers; and
- The total annual dollar amount budgeted and/or allocated to each of those outside law firms, and
- The percentage of the county budget and/or General Funds annually allocated solely to Law and Justice.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the legal authorities on whom you rely.

To avoid unnecessary costs of duplication, electronic copies are acceptable and may be emailed to melody.lane@reagan.com. It is requested that your determination be made within **10 days** as stipulated within the California Public Records Act, **Government Code 6253(c)**.

Thanks for your anticipated cooperation and timely reply.

Melody Lane
Founder – Compass2Truth

Board of Supervisors back in business tomorrow

Chris Daley
Staff writer

After a three-week holiday hiatus, the El Dorado County Board of Supervisors returns to its regular Tuesday schedule tomorrow, Jan. 5, for its first official meeting of 2016. Traditionally, the board begins its new year with elections for board chairperson, vice chair and second vice chair.

District 3 Supervisor

Brian Veerkamp held the gavel throughout 2015 and, if another tradition holds, District 1's Ron Mikulaco, as the current board's next longest-sitting board member, will be in line for the chair this year. In addition to voting on and assigning board positions, supervisors also have a long slate of "non-district specific appointments to various boards, commissions or committees for the terms

stated," as recommended by Board Clerk Jim Mitrisin. Citizen members serve on a variety of these non-district entities, which includes a broad range of issues the county oversees, from the Agriculture Commission and Cemetery Advisory to Child Abuse Prevention Council and a Fire Advisory Board.

The list extends to the Mental Health Commission, In-Home Supportive Services

Advisory, Law Library Trustees, Placerville Airport Advisory, Sierra Economic Development Corporation and the Tahoe Paradise Resort Improvement District. Appointments range from two years to four years.

The board clerk's recommendations are on the consent agenda; they will be voted on as a block unless supervisors, staff or members of the public request

discussion of a particular item or a particular appointment. Following approval of the consent agenda, supervisors will hear several specific departmental issues.

Next supervisors will shuffle their official participation in 42 external boards, commissions, joint partnership authorities and the like. The county's Transit Authority, Sacramento Area Council of Governments, the El Dorado Water Agency, Rural County Representatives of California, Sacramento-Placerville Transportation Corridor JPA, and Tahoe Regional Planning Agency are among the most significant posts to be filled.

Supervisors with a special interest in a particular subject or issue may request re-election or reappointment to that commission or JPA.

For example, Supervisor Mikulaco requested a seat on the Capital Southeast Connector JPA after he was elected because that project mainly affects District 1 directly. Likewise, District 5 Supervisor Sue Novasel serves as the primary board member on the TRPA.

The El Dorado County Board of Supervisors meets in board chambers at 330 Fair Lane, Bldg A in Placerville. Public sessions generally begin at 9 a.m. Upcoming agendas may be accessed on the county's website under Board of Supervisors - Agendas.

Item of special note

Outgoing County Counsel Robyn Drivon has recommended the board approve a \$150,000 attorneys contract to defend the county's collection of fees under the Mitigation Fee Act.

In December El Dorado Hills couple Thomas and Helen Austin sued the county, seeking refunds of building permit fees levied and collected by the county. The suit alleges that the county continues to collect and accumulate fees even though it is in violation of the Mitigation Fee Act. The suit seeks refunds of approximately \$20 million from the county, \$5 million from El Dorado Hills Community Services District and \$3 million from the El Dorado Hills Fire Department.

Drivon's recommendation states that the legal fees paid to the attorneys, Abbott & Kindermann of Sacramento, will be funded out of the permit fee funds named in the lawsuit — the county's Traffic Impact Mitigation fees, El Dorado Hills Public Safety Facility fee, the El Dorado Hills Fire fee and the El Dorado Hills CSD Park fee.

In a phone interview on Friday, El Dorado County Auditor-Controller Joe Ham, who said he's repeatedly warned county supervisors in writing that the county was violating the Mitigation Fee Act, voiced concerns about Drivon's recommendation.

"Why should the El Dorado Hills Fire Department pay any of these attorney's fees? EDH Fire completed its nexus studies on a timely basis and submitted it to the CAO," he said. "Due to negligence in the CAO's Office the study sat on a shelf for 15 months, causing the violation of state law.

"I agree with Robyn that the county needs outside legal representation because this is a very important case," Ham continued. "But we shouldn't waste money trying to defend and justify the EDH Public Safety Facility Fee. That fee is clearly unlawful and the county has no plans to build a public safety facility in El Dorado Hills."