

M. Lane Public Comment PC 11/18/2021

El Dorado County ...	Public Records Request :: P003410-072621	Wed 11/17/2021 1:03 PM	9.
El Dorado County ...	Public Records Request :: P003569-092721	Wed 11/17/2021 1:02 PM	9.
El Dorado County ...	Public Records Request :: P003679-102921	Wed 11/17/2021 12:59 PM	8.
Kim Dawson	Re: BOS video/audio	Wed 11/17/2021 12:40 PM	9.
Kim Dawson	Re: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointment to ...	Wed 11/17/2021 12:40 PM	3.
Kim Dawson	Re: BOS video/audio - Consent #47 and Open Forum	Wed 11/17/2021 12:39 PM	1.
Kim Dawson	Re: FW: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointmen...	Wed 11/17/2021 12:39 PM	3.
Kim Dawson	Re: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointment to ...	Wed 11/17/2021 12:39 PM	4.
Kim Dawson	Read: RE: BOS video/audio - Consent #47 and Open Forum	Wed 11/17/2021 12:39 PM	6.
Kim Dawson	Read: FW: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointm...	Wed 11/17/2021 12:39 PM	6.

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Friday, November 5, 2021 4:54 PM

To: david.livingston@edcgov.us; Breann Moebius

Cc: sue.novasel@edcgov.us; lori.parlin@edcgov.us; john.hidahl@edcgov.us; wendy.thomas@edcgov.us; george.turnboo@edcgov.us; Tiffany Schmid; 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Amanda Ross; Andy Nevis; John Clerici; Jon Vegna

Subject: PRA submitted 10/19/21 - No response or tracking #

Mr. Livingston et al,

Apparently Ms. Dawson is being counseled by you and/or staff not to respond to PRAs. Kim still has not responded to items #1, 2, 3, 4 & 5 in the below PRA submitted to her on 10/19/21. In fact, she has not even assigned a tracking number to the PRA. This is indicative that the county has something to hide:

- **Access is immediate** and allowed at all times during business hours. (§ 6253(a)). Staff need not disrupt operations to allow immediate access, but a decision on whether to grant access must be prompt. An agency may not adopt rules that limit the hours records are open for viewing and inspection. (§ 6253(d); 6253.4(b))
- **The agency must provide assistance** by helping to identify records and information relevant to the request and suggesting ways to overcome any practical basis for denying access. (§ 6253.1)
- **The agency must justify the withholding of any record** by demonstrating that the record is exempt or that the public interest in confidentiality outweighs the public interest in disclosure. (§6255) **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 specific legal authorities on whom you rely.**

Since you and the BOS have knowledge of staff's wrong doing, but have failed to take remedial action, then you are complicit and liable for aiding and abetting government fraud.

If there is anything you do not understand about your lawful requirement to respond to FOIA/PRAs, then please contact me **immediately** so I can make clarifications for you.

Melody Lane

Founder – Compass2Truth

"When the Law no longer protects you from the corrupt, but protects the corrupt from you--you know your nation is doomed." ~ Ayn Rand ~

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Thursday, October 21, 2021 4:07 PM

To: Kim Dawson; edc.cob@edcgov.us

Cc: 'cc: David Livingston'; 'Donald Ashton'; 'Robert Peters'; 'Breann Moebius'; lori.parlin@edcgov.us; 'Vern R Pierson'; 'Tonya Digiorno'; bosfive@edcgov.us; 'bosfour'; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; ana.melendez@waterboards.ca.gov; Rose, David@Waterboards; andrew.nevis@waterboards.ca.gov; Amanda Ross; Andy

Nevis; John Clerici; Jon Vegna

Subject: RE: 10/14/21 Planning Commission Minutes - Missing Open Forum docs - PRA

Ms. Dawson,

The public is entitled to honest services. You are reminded that County Counsel is not your spokesperson. The fact that David Livingston diverted to Tiffany Schmid the email I had addressed to you, does not get you off the hook. You are responsible for posting the falsified 10/14/21 Planning Commission minutes, but once notified of the errors, you still failed to correct them.

It is **on record** that Andy Nevis was **not sworn in** and that there was **NO QUORUM** during the 10/14/21 meeting, yet the Commissioners unlawfully took action on all the agenda items instead of continuing it to the next scheduled meeting on 10/28. The Commissioners acted in violation of the Brown Act/Bagley-Keene Open Meeting Act, therefore it would be unlawful for the Commissioners to approve both the September 9th and the October 14th minutes during the upcoming 10/28/21 Commission meeting:

Clerk of the Planning Commission (Kim Dawson) recommending the Commission approve the MINUTES of the regular meeting of September 9, 2021. This matter was Continued to October 28, 2021 upon Approval of the Consent Calendar. Yes: 3 - Commissioner Clerici, Commissioner Vegna and Commissioner Nevis

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), you are also responsible for logging and responding to the below PRA, but you have remained deceptively silent. You are a public servant whose salary is paid for via my tax dollars; therefore you work for me and the other tax paying Citizens of El Dorado County:

“The Oath of Office is a quid pro quo contract in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, conspiracy under Title 28 U.S.C., Title 18 Sections 241 and 242, treason under the Constitution at Article 3, Section 3, and intrinsic fraud...”

Because of the breadth of federal anticorruption law, public officials, such as you, are warned to **avoid any temptation to walk closely to the line** that divides legal from illegal conduct under state law. Since Chief Counsel David Livingston, and the other public officials cc'd on this correspondence, had knowledge of wrong doing, but failed to take remedial action, then their abuse of the public trust makes them complicit and liable for aiding and abetting government corruption:

Corrupt is a word to describe an act done with intent to give some advantage inconsistent with official duty and the rights of others, and is generally undertaken for personal gain. It is commonly used to refer to unethical or dishonest character or behaviors undertaken by someone who has been entrusted with authority. Government corruption includes a variety of activities, such as the offering or accepting of bribes, extortion, and the offering of jobs or other benefits to friends or family members (called “cronyism”).

As you heard during the 10/19 BOS meeting, Public Service Ethics and the Brown Act are my areas of expertise. By your unconstitutional actions, or inaction, and failure to respond to my specific inquiries for public information, you have violated your oaths of office and committed fraud against me. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime. *See: U.S. v. Tweel, 550 F. 2d. 297. “Silence can only be equated with **fraud** where there is a legal or moral duty to speak or where an **inquiry left unanswered would be intentionally misleading.**” See also: Morrison v. Coddington, 662 P.2d. 155, 135 Ariz. 480 (1983) - **Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth.** [Emphasis added] See also USC 18 § 241 and USC 18 § 242, respectively, Conspiracy Against Rights, and Deprivation of Rights Under Color of Law.*

Regards,

Melody Lane

Founder – Compass2Truth

As history teaches us, if the people have little or no knowledge of the basics of government and their rights, those who wield governmental power inevitably wield it excessively. After all, a citizenry can only hold its government accountable if it knows when the government oversteps its bounds. ~ Constitutional attorney John Whitehead ~

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Wednesday, October 20, 2021 8:50 PM

To: 'Tiffany Schmid'

Cc: 'Kim Dawson'; 'cc: David Livingston'; 'Donald Ashton'; 'Robert Peters'; 'Breann Moebius'; lori.parlin@edcgov.us; Vern R Pierson; Tonya Digiorno; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: RE: 10/14/21 Planning Commission Minutes - Missing Open Forum docs - PRA

Ms. Schmid,

Thank you for acknowledging at 5:59 PM today that you are indeed receiving my emails. I was under the impression Don Ashton had added you to the list of **public servants** that he unlawfully ordered Tonya Digiorno to block my ability to correspond electronically.

Since it is apparent you've been receiving my correspondence, there is no need for me to resend any unanswered emails. You had sufficient opportunity to respond, via your own notarized affidavit, to any of the claims and averments that you disagreed with in the Affidavit/Declaration received by you on September 27, 2021. Your failure to respond, as stipulated, was your tacit agreement with and admission to the fact that everything in that Affidavit/Declaration is true, correct, legal, lawful, and is your irrevocable admission attesting to this, fully binding upon you in any court of law in America, without your protest, objection and that of those who represent you.

Regards,

Melody Lane

Founder – Compass2Truth

~ By identifying the people's sovereign will not with its latest but its oldest expression, the Framers succeeded in identifying the people's authority with the Constitution, not with the statutory law made by their representatives. ~

From: Tiffany Schmid [mailto:tiffany.schmid@edcgov.us]

Sent: Wednesday, October 20, 2021 3:19 PM

To: Melody Lane

Cc: Kim Dawson; cc: David Livingston; Donald Ashton; Robert Peters; Breann Moebius

Subject: Fwd: 10/14/21 Planning Commission Minutes - Missing Open Forum docs - PRA

Good afternoon Ms. Lane,

I am unable to locate any unanswered emails from you. If I have missed responding to an email from you, please resend the email and I will do my best to provide you with the requested information.

The documents you submitted during the open forum of the October 14, 2021 Planning Commission Meeting have been attached to Legistar Item 21-1712 and can be viewed at the following link:

<https://eldorado.legistar.com/LegislationDetail.aspx?ID=5189971&GUID=B971DCF5-7FBC-4466-95C4-3C7ECAE18216>

For your convenience, I have also attached the Draft Minutes from the October 14, 2021 Planning Commission Meeting.

Sincerely,

Tiffany Schmid

Director, Planning and Building Department

County of El Dorado

Planning and Building Department

2850 Fairlane Court

Placerville, CA 95667

(530) 621-5132

tiffany.schmid@edcgov.us

----- Forwarded message -----

From: **Melody Lane** <melody.lane@reagan.com>

Date: Tue, Oct 19, 2021 at 10:41 AM

Subject: 10/14/21 Planning Commission Minutes - Missing Open Forum docs - PRA

To: Kim Dawson <Kim.Dawson@edcgov.us>, <edc.cob@edcgov.us>, Amanda Ross <aross@edcgov.us>, Andy Nevis <andy.nevis@edcgov.us>, John Clerici <john.clerici@edcgov.us>, Jon Vegna <jvegna@edcgov.us>

CC: <lori.parlin@edcgov.us>, <sue.novasel@edcgov.us>, <george.turnboo@edcgov.us>, <john.hidahl@edcgov.us>, <wendy.thomas@edcgov.us>, <joseph.carruesco@edcgov.us>, Breann Moebius <breann.moebius@edcgov.us>, <david.livingston@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>, Rose, David@Waterboards <David.Rose@waterboards.ca.gov>, <ana.melendez@waterboards.ca.gov>, <andrew.nevis@waterboards.ca.gov>, Richard Esposito <resposito@mtdemocrat.net>, <bosfive@edcgov.us>, bosfour <bosfour@edcgov.us>, <bosone@edcgov.us>, <bosthree@edcgov.us>, <bostwo@edcgov.us>

Ms. Dawson,

The public is entitled to honest services. Please provide your explanation to each of the following:

1. The 10/14/21 Planning Commission agenda lists Tiffany Schmid as **Executive Secretary**. It is my understanding Ms. Schmid's title is **Director of Planning and Development Services**. Therefore I prepared my public comments anticipating that Tiffany would be taking minutes during Thursday's Planning Commission meeting. Instead Deputy Director Rob Peters was present, and you were responsible for the taking the minutes. Ms. Schmid hasn't responded to any of my correspondence concerning Planning issues in quite some time, nor has Supervisor Parlin been responsive to related issues affecting Coloma residents that, by law, are required to come before the Planning Commission. Has Tiffany Schmid changed positions, or terminated her employment with EDC? If so, what was the effective date of her change in status/termination of employment? Pursuant to your oaths of office, and in the interest of public transparency, if there is some other reason for Ms. Schmid's absence/silence, please so indicate.

Jon Vegna, Chair, District 1
Amanda Ross, Second Vice Chair, District 5
Vacant, District 2
John Clerici, Member, District 3
Andy Nevis, District 4

Vacant, Clerk of the Planning Commission
Tiffany Schmid, Executive Secretary
Breann Moebius, Deputy County Counsel

Thursday, October 14, 2021

8:30 AM

Building C Hearing Room
2850 Fairlane Ct.
Placerville, CA 95667
or live-streamed

2. Why were the attached documents that I submitted to you during 10/14/21 Open Forum not included in the posted minutes as customary and required by law?

PUBLIC FORUM / PUBLIC COMMENT

Public Comment: M. Lane, L. Parlin, J. Williams, J. Davey, S. Taylor, K. Lishman

3. Only three Commissioners were present for the 10/14/21 Planning Commission meeting – John Clerici, Jon Vegna, and Andy Nevis. Chairman Vegna announced at the beginning of the meeting that Andy Nevis had not been sworn in, consequently there failed to be a quorum which was confirmed by Breann Moebius. Per CA Government Code SECTION 1360-1369, Commissioners must be sworn in **BEFORE** they assume their duties. Per the Brown Act, lack of a quorum meant the meeting could not lawfully proceed. The meeting should have been rescheduled *after* the public was given opportunity to provide input on the posted agenda items. Why were those important facts eliminated from the minutes?

ADOPTION OF AGENDA AND APPROVAL OF THE CONSENT CALENDAR

(All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

A motion was made by Commissioner Clerici, seconded by Commissioner Nevis to Adopt the Agenda and Approve the Consent Calendar with the following change:

Continue item 1 to October 28, 2021.

Yes: 3 - Commissioner Clerici, Commissioner Vegna and Commissioner Nevis

Absent: 1 - Commissioner Ross

CONSENT CALENDAR

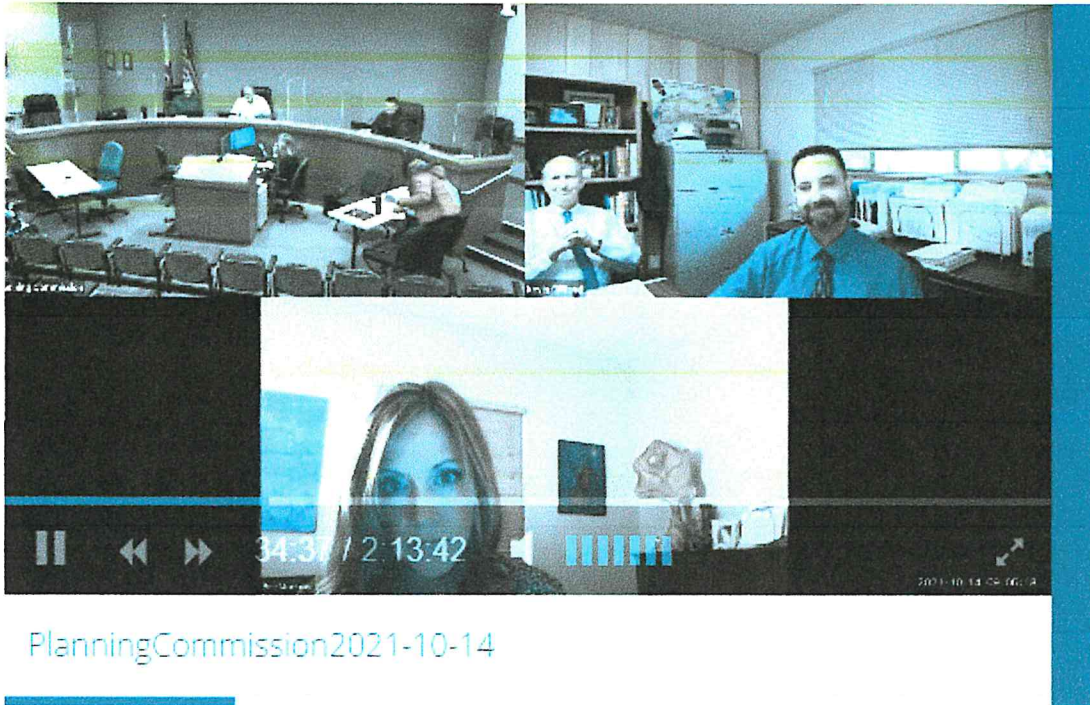
1. [21-1553](#) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of September 9, 2021.

This matter was Continued to October 28, 2021 upon Approval of the Consent Calendar.

Yes: 3 - Commissioner Clerici, Commissioner Vegna and Commissioner Nevis

Absent: 1 - Commissioner Ross

4. Prior to the meeting commencing, **Supervisor Lori Parlin** conducted a pow-wow of the following individuals audibly discussing how the meeting was to proceed: **Jon Vegna, James Williams, Gary Miller, John Clerici, and an unidentified woman** with long dark hair wearing a red jacket. Per the Brown Act, a majority of a decision-making body *cannot meet and discuss agency business* except at an open and fully noticed meeting. Supervisor Parlin's dog and pony show clearly violated the Brown Act. Please identify the woman in red, and her role, who was apparently coaching Deputy Director Rob Peters in the upper left corner of this screenshot:



5. It was confirmed that Andy Nevis was not sworn in, and that there was no 10/14/21 quorum. However Mr. Nevis reported the following which was unrelated to the business of the body, and apparently for the benefit of Supervisor Parlin who was present. Per Fair Process Laws, all public officials are required to *“exercise their powers free from personal bias including biases that have nothing to do with financial gain...an elected official has a fiduciary duty to exercise the powers of office for the public good and is not permitted to use those powers for the benefit of private interests.”*

Commissioner Nevis reported on the following:

Thanked former Planning Commissioner Williams for the assistance during the transition.

Thanked staff for the assistance provided and he is looking forward to working with everyone.

On September 30, 2021, there was a meeting of the State Parks and Recreation Commission where they discussed the Auburn State Recreation Area General Plan. The Commission adopted the General Plan. however there will be amendments to it.

Mt. Murphy Bridge in Coloma has been reopened with restrictions.

Supervisor Parlin and the Department of Transportation will be having a meeting next Wednesday at 6:00 P.M. utilizing Zoom to address public concern and future plans for the bridge.

It is significant that Supervisor Parlin has witnessed Mr. Nevis censoring me during several Taxpayers Association meetings when I've challenged his unlawful actions, *in particular those related to the Mt. Murphy Bridge and related Planning/Development issues that are required to come before the Planning Commission.*

(See the attached 10-14-21 PC Public Comments.) Per the Institute of Local Government, “*Because of the breadth of federal anticorruption law, public officials are warned to avoid any temptation to walk closely to the line that divides legal from illegal conduct.*” Lori Parlin, Andy Nevis, and other public officials, such as yourself, have crossed that line on multiple occasions.

In light of the aforementioned **facts**, it was apparent that the entire 2-hour Planning Commission meeting, and the hearing outcomes, were unethically predetermined beforehand. In the interest of public transparency and good governance, I therefore request that you **please identify the person(s)** responsible for authorizing the 10/14/21 Planning Commission meeting to proceed outside of the law.

****If you determine that some but not all of the above information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the specific legal authorities on whom you rely.** If you have any questions, please do not hesitate to contact me immediately.

Thank you for your prompt and comprehensive response to this request for public information.

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.”

DAVID A. LIVINGSTON | County Counsel

County of El Dorado

330 Fair Lane | Placerville, CA 95667

Office 530.621.5770 | Fax 530.621.2937

david.livingston@edcgov.us | www.edcgov.us

From: Kim Dawson [mailto:kim.dawson@edcgov.us]
Sent: Wednesday, November 17, 2021 12:39 PM
To: Melody Lane
Subject: Re: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointment to Planning Commission

Yes, I received your email. Thanks, Kim

On Tue, Nov 16, 2021 at 9:23 AM Melody Lane <melody.lane@reagan.com> wrote:

Please ensure the entirety of this correspondence is entered into the public record.

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.”

From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Monday, November 15, 2021 4:53 PM
To: edc.cob@edcgov.us; george.turnboo@edcgov.us; david.livingston@edcgov.us
Cc: 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Amanda Ross; Andy Nevis; John Clerici; Jon Vegna
Subject: FW: 11/16/21 BOS - Please pull #47 from Consent for public discussion and post via Legistar

Why was this item not publicly posted via Legistar as requested???

Melody Lane

Founder – Compass2Truth

As history teaches us, if the people have little or no knowledge of the basics of government and their rights, those who wield governmental power inevitably wield it excessively. After all, a citizenry can only hold its government accountable if it knows when the government oversteps its bounds. ~ John Whitehead ~

From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Monday, November 15, 2021 9:03 AM
To: edc.cob@edcgov.us; george.turnboo@edcgov.us
Cc: todd.white@edcgov.us; lori.parlin@edcgov.us; wendy.thomas@edcgov.us; sue.novasel@edcgov.us; john.hidahl@edcgov.us; 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us
Subject: 11/16/21 BOS - Please pull #47 from Consent for public discussion and post via Legistar

Please pull item #47 from Consent for public discussion and ensure the entirety of this correspondence is timely distributed and posted to Legistar – **Objection to Kris Payne appointment to Planning Commission.**

The attached documents speak volumes with respect to the cronyism within the Taxpayers Association whose directors are illicitly using the Association for their personal political agendas. This morning's Taxpayers meeting was no exception when Andy Nevis again CENSORED me and Kris Payne made a point to announce his appointment as District #2 Planning Commissioner.

Kris Payne has consistently demonstrated his inability to abide by the Brown Act and his oath of office. Furthermore, the Planning Commission is incapable of unbiased decisions, adherence to the EDC Core Values, ethics, or Good Governance policy.

Melody Lane

Founder – Compass2Truth

As history teaches us, if the people have little or no knowledge of the basics of government and their rights, those who wield governmental power inevitably wield it excessively. After all, a citizenry can only hold its government accountable if it knows when the government oversteps its bounds. ~ John Whitehead ~

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Wednesday, October 27, 2021 5:14 PM

To: george.turnboo@edcgov.us

Cc: lori.parlin@edcgov.us; sue.novasel@edcgov.us; john.hidahl@edcgov.us; wendy.thomas@edcgov.us; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: Ineligibility of Candidate Kris Payne for Dist. #2 Planning Commissioner

Hello George,

The attached un rebutted Affidavit of Truth addressed to Kris Payne should speak volumes about his ineligibility to be considered for the position of District #2 Planning Commissioner. This correspondence is not meant to disparage Kris. It is simply to remind you of your fiduciary obligation to examine the facts and take the evidence into consideration when appointing any candidate to serve as your district representative.

The corresponding notification of legal responsibility addressed to former Supervisor Brian Veerkamp provides additional evidence of government malfeasance. During our audio recorded meeting on February 26, 2020 Brian acknowledged Kris' mental health issues resulting in the termination of Mr. Payne's employment with the County of El Dorado.

More recently, on 7/20/21 David Livingston will recall Kris Payne joining our conversation *uninvited* during a recess at the rear of the BOS chambers. That's when Kris openly talked about his mental health issues with *total strangers* resulting in the termination of his county employment. That conversation was also captured on audio.

Additionally, Supervisor Lori Parlin witnessed Kris Payne's emotional outburst during the 10/11/21 Taxpayers meeting when I confronted him for his inappropriate conduct relative to Lori's appointment of Andy Nevis to the Planning Commission. Kris has a habit of interrupting and talking over people; even Steve Ferry has had to correct him about this on numerous occasions.

Lori (and several others) witnessed another one of Kris's inappropriate outburst after the 10/18/21 Taxpayers meeting when Robert D'Agostini was the guest speaker. I approached Kris from behind tapping him on the shoulder to get his attention, when Kris shouted, "*Did you touch me? Did you just TOUCH ME? DID YOU JUST TOUCH ME?! You're being a bully! Andy! Andy! Melody is harassing me!*" Kris made quite a

scene. At that point it was necessary for me to remind Kris to take his medications. Both instances of Kris's inappropriate behavior were captured on my personal audio.

Kris Payne has clearly demonstrated that he is unstable. Kris has acknowledged he has issues requiring medications, and the affidavits confirm that he is an unsuitable candidate for District #2 Planning Commissioner, or any other appointment to a public position.

Regards,

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

Kim Dawson
Clerk of the Board of Supervisors
County of El Dorado
330 Fair Lane, Building A
Placerville, CA 95667
(530) 621-5393
kim.dawson@edcgov.us

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).)



Kim Dawson <kim.dawson@edcgov.us>

11/18/21 Planning Commission Public Comments

4 messages

Melody Lane <melody.lane@reagan.com>

Thu, Nov 18, 2021 at 12:43 PM

To: Kim Dawson <Kim.Dawson@edcgov.us>, edc.cob@edcgov.us, Breann Moebius <breann.moebius@edcgov.us>
Cc: david.livingston@edcgov.us, lori.parlin@edcgov.us, sue.novasel@edcgov.us, john.hidahl@edcgov.us, george.turnboo@edcgov.us, wendy.thomas@edcgov.us, Vern R Pierson <vern.pierson@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>, ana.melendez@waterboards.ca.gov, Amanda Ross <aross@edcgov.us>, Andy Nevis <andy.nevis@edcgov.us>, John Clerici <john.clerici@edcgov.us>, Jon Vegna <jvegna@edcgov.us>, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Ms. Dawson, et al,

Please ensure the entirety of this correspondence, including the attached documents, are entered into the minutes of today’s Planning Commission meeting. ***In light of the apparent communication breakdown, I also ask that you immediately acknowledge receipt of this correspondence.**

The attached un rebutted affidavits of truth addressed to Kris Payne and Andy Nevis stand as truth and fact before any court in America. They have been especially egregious in their blatant discrimination, censorship and attacks against me, a third generation evangelical who has been actively involved in ministry for over 35 years. The Taxpayers Association has been used for their own political purposes in collusion with other county officials, including but not limited to their collusion with Lori Parlin, Todd White, David Livingston and Breann Moebius, to deprive the public of information and due process of law. As such, Andy and Kris are unfit to serve as Planning Commissioners. It is a matter of public record that two members of the Taxpayers Association have threatened me, one of which was in the audience today, former Supervisor Jack Sweeney:



USGC Title 18, Sections 241 & 242 are the federal crimes delineated in the attached documents that I referred to during Open Forum. All of the aforementioned individuals have violated their oaths of office and deprived the public of their Constitutional rights which are grounds for removal pursuant to Sections 3 & 4 of the 14th Amendment. Citizens taking a stand for freedom from tyranny is gaining greater momentum throughout California and our nation. As you are aware, this was a very hot issue during Tuesday's packed BOS meeting where concerned citizens lined up to exercise their First Amendment rights, and as a result the BOS didn't end until after 7 PM.



For the record, Chairman Jon Vegna unlawfully attempted to censor me again today when I called him out on fraud, specifically with respect to the attached PRA that was never properly addressed. There are numerous other PRAs affecting Planning that have not even been acknowledged, entered into the system, or assigned a PRA#. It is presumed that County Counsel is unlawfully advising staff not to respond to these public record act requests for information, (Refer to the attached correspondence.)

Mr. Vegna, and the others addressed in this correspondence, are again reminded that I am an American Citizen claiming all of my constitutionally secured inherent rights and guaranteed due process of law. Since I am based in constitutional authority, any effort on your part to stop me from speaking or walking of the room, **as you again threatened to do today**, conclusively demonstrates by your own actions to be in opposition to the Constitutions, that you have shown yourselves to be domestic enemies, and are unfit to serve in any official capacity, pursuant to the self-executing Sections 3 & 4 of the 14th Amendment.






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.”

5 attachments

-  **ML_Kris Payne Affidavit 5-2020.pdf**
11211K
-  **ML_Veerkamp Pre-letter.doc**
93K
-  **Andy Nevis Affidavit.docx**
919K
-  **11-18-21 PC No response to PRA.docx**
362K
-  **11-18-21 PC Open Forum Payne Objection.docx**
18K

Kim Dawson <kim.dawson@edcgov.us>
To: Robert Peters <robert.peters@edcgov.us>, debbie.ercolini@edcgov.us

Thu, Nov 18, 2021 at 12:53 PM






Hey Rob - Do you want to attach or do you want me too? Can you please respond you have received to Ms. Lane (if you choose to do so).
Thanks, Kim

[Quoted text hidden]

--
Kim Dawson
Clerk of the Board of Supervisors
County of El Dorado
330 Fair Lane, Building A
Placerville, CA 95667
(530) 621-5393
kim.dawson@edcgov.us

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5 attachments

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362K
-  **11-18-21 PC Open Forum Payne Objection.docx**
18K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: kim.dawson@edcgov.us

Thu, Nov 18, 2021 at 12:53 PM



Address not found

Your message wasn't delivered to **debbie.ercolini@edcgov.us** because the address couldn't be found, or is unable to receive mail.

[LEARN MORE](#)

The response was:

550 5.1.1 The email account that you tried to reach does not exist. Please try double-checking the recipient's email address for typos or unnecessary spaces. Learn more at <https://support.google.com/mail/?p=NoSuchUser> i84sor463353ybc.83 - gsmt

Final-Recipient: rfc822; debbie.ercolini@edcgov.us
Action: failed
Status: 5.1.1
Diagnostic-Code: smtp; 550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1 <https://support.google.com/mail/?p=NoSuchUser> i84sor463353ybc.83 - gsmt
Last-Attempt-Date: Thu, 18 Nov 2021 12:53:58 -0800 (PST)

----- Forwarded message -----
From: Kim Dawson <kim.dawson@edcgov.us>
To: Robert Peters <robert.peters@edcgov.us>, debbie.ercolini@edcgov.us
Cc:
Bcc:
Date: Thu, 18 Nov 2021 12:53:17 -0800
Subject: Fwd: 11/18/21 Planning Commission Public Comments
----- Message truncated -----

Kim Dawson <kim.dawson@edcgov.us>
To: Debra Ercolini <debra.ercolini@edcgov.us>

Thu, Nov 18, 2021 at 12:54 PM

Fyi
[Quoted text hidden]

5 attachments

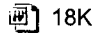
 **ML_Kris Payne Affidavit 5-2020.pdf**
11211K

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93K

 **Andy Nevis Affidavit.docx**
919K

 **11-18-21 PC No response to PRA.docx**
362K

11-18-21 PC Open Forum Payne Objection.docx



AFFIDAVIT/DECLARATION OF TRUTH

Kris Payne
District #3 Parks and Recreation Commissioner
330 Fair Lane
Placerville, CA 95613

I, **Melody Lane**, the undersigned, hereinafter: Affiant/Declarant, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and solemnly swear, under oath, before a certified California Notary Public, that I am of legal age and of sound mind and hereby attest that all the information contained in this Affidavit/Declaration is true, correct and admissible as evidence.

This Affidavit/Declaration of Truth is lawful notification to you, Kris Payne, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and The Declaration of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1, and requires your written rebuttal to me, specific to each and every point of the subject matter stated herein, within 30 days, via your own sworn and notarized affidavit, using true fact(s), valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection or that of those who represent you. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

Affiant/Declarant hereby affirms that the following actions and events took place:

On February 28, 2020, I sent you, Kris Payne, El Dorado County District #3 Parks and Recreation Commissioner and Chairman, via USPS certified mail, a letter which you received on March 4, 2020. That letter, attached hereto, incorporated herein as if fully set forth in this Affidavit/Declaration, and marked **Exhibit A**, was sent to inform you of these events and statements made by you, and also as an inquiry to ascertain whether you, Kris Payne, support and uphold them or would rebut them.

My claims, statements and averments also pertain to your actions, committed against me, by which you failed to provide honest public services, pursuant to the oaths

under which you were delegated limited authority to assume your position and conduct duties thereunder. When any public official/principal has knowledge of wrongdoing in his jurisdiction committed by his appointed agent, yet fails to take corrective action, then that public official/principal aids and abets the unlawful action of the agent, thereby maintaining the errant status quo, and thus becomes complicit and liable. As you may know, in some cases, it is the agent who can be held responsible and liable for misconduct, illegal activity, or violations of business standards such as you have committed. Additionally, both principal and agent can be held liable.

Some of the things to which you admit include, but are not limited to, the following:

- 1) On multiple occasions you, and all other Parks and Recreation Commissioners, have been publicly apprised by me concerning threats, retaliation, assaults, and slander committed against me, as well as blatant Brown Act violations and fraudulent River Management Plan information submitted to the Board of Supervisors by members of the River Management Advisory Committee (RMAC), Coloma Lotus Advisory Committee (CLAC), and Parks & Recreation staff. Subsequent recommendations made by Commissioners to the Board of Supervisors that are based on fraud affect their decisions, and ultimately adversely impact all EDC citizens. You have obstructed my rightful efforts in pursuit of redress of grievances pertaining to any of the crimes committed against me, you have failed to address, respond to and give due consideration to correspondence and information conveyed to you, thereby you have denied me rights secured in the First Amendment, in violation of the Principal Agent oath and in blatant defiance to the Constitution(s).

- 2) All actions by public officers, or their agents, conducted in the performance of their official duties either support and defend their Constitutional oaths of office, or oppose and violate them. Any enterprise, undertaken by any public official, such as you, who tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. You failed to provide honest public services pursuant to your oaths, and in so doing, you perjured your oath by violating my Constitutionally guaranteed Rights, in particular those secured in the Bill of Rights, including but not limited to my 1st Amendment Rights. *See United States v. Dial, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 - Concealment, removal, or mutilation generally.* By your unlawful actions, you acted in sedition and insurrection against the Constitutions, both federal and state, and in treason against the People, in the instant case, me.

- 3) The River Management Advisory Committee (RMAC) was officially disbanded in 2017. However, on several occasions, you actively participated as a representative of the Parks and Recreation Commission in serial RMAC meetings and Coloma Lotus Advisory Committees (CLAC) meetings, most of which are held within the Marshall Gold Discovery Park. Although I personally audio record all such meetings, typically there is no county representative at those meetings who is equipped with an audio recording device to ensure transparency, accountability, and adherence to the Brown Act. Consequently, Public Record Act requests for information that I submitted produced evidence that the outcomes of those meetings were *predetermined* via serial meetings which the Brown Act strictly prohibits. Thus, those meetings and their outcomes were and are unlawful, without lawful force and effect, and you and all other public officials who conducted and/or participated in those serial meetings have acted **criminally** and deceptively, in violation of the Public Trust and in perjury of their oaths.

- 4) It is significant that you nor any of the Commissioners reside anywhere near the river, so are not adversely affected by the River Management Plan, as are the people who live near it. Your involvement and collusion with county staff to promote special interest groups **to the exclusion of local residents** demonstrates your bias, conflict of interest, and disrespect for the people you theoretically serve, maintains the corrupt status quo and constitutes deceptive, criminal behavior which harms me and other Citizens of Coloma and Lotus. Your active participation in serial RMAC and CLAC meetings represents a conflict of interest, is in violation of the Brown Act and the oaths of office under which you were delegated your limited duties and authority, and is a flagrant violation of the constitutionally secured inherent rights and due process of law guaranteed to me and all American and California Citizens in the national and state Constitutions.

- 5) During the December 2019 Parks and Recreation meeting when I attempted to exercise my rights, you became argumentative and falsely accused me of "name calling", apparently intending to slander me and discredit my statements. However, witnesses and audio recordings prove I did no such thing. Your discrimination against me and repeated attempts to discredit, slander and censor me, and control how I frame my remarks was a direct assault on and violation of my First Amendment rights. You have similarly abused your position and harassed me during Taxpayer Association meetings. Your unconstitutional actions harmed me by obstructing, limiting and denying me the ability to exercise my right, secured in the First Amendment, to freely speak during the referenced December 2019 meeting. At one point Parks and Recreation Supervisor Vickie Sanders specifically warned you to refrain from appearing like a "dictator", but you persisted in discriminating against me each time I approached the podium.

Again you intensified your verbal assaults and discrimination during the February 3, 2020 Parks and Recreation meeting. This is yet another example of how you have openly violated, denied and deprived me of my rights secured in the First Amendment.

- 6) The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which the oath taker, pursuant to his oath, as well as his delegated agent, is mandated to uphold. You failed this requirement by failing to respond in kind to and/or rebut my lawful notices to you; thus you violated two provisions of the First Amendment, my constitutionally guaranteed rights secured therein, the Public Trust, and perjured the oaths of office taken by your principal, under whose oath-bound authority you hold your position and conduct the duties thereof. Without any authority to do so, Deputy CAO, Creighton Avilla, interrupted to advise you to "close public comments." And instead of upholding the mandates of the Brown Act, which all public officials should fully understand and follow, you unlawfully closed public comments, thus, acted criminally and in violation of my constitutionally guaranteed rights and those of other attendees, secured in the First Amendment.
- 7) During the February 3rd meeting when all the commissioners returned to their seats, I commenced my prepared comments, but you again disrespectfully talked over me and refused to permit me to finish my remarks, again violating the Brown Act and flagrantly depriving me of my rights secured in the First Amendment. Before adjourning, Commissioner Wayne Lowery publicly acknowledged that you and the rest of the Commissioners had crossed far over the line, but even then you attempted to defend your unlawful actions without providing any lawful justification for them. Obviously, you could not lawfully justify your actions, because there is NO LAWFUL justification for depriving me, or any Citizen, of rights secured in the First Amendment and protected by the Brown Act.
- 8) Factual documents that I had submitted to all the Commissioners were required to be publicly posted to a specific Parks and Recreation February agenda item concerning the River Management Plan due to the fact they contained relevant evidence of collusion between county staff and CA State Parks personnel involved in government corruption. However, those documents were apparently obfuscated and diverted. When I questioned Vickie Sanders about what happened to my public documents, she replied, "*Because that wasn't how County Counsel wanted to handle it.*" Vickie's reply could imply that County Counsel's handling of this matter was to keep the evidence of collusion contained in those factual documents I submitted away from the public's eyes and ears, which constitutes public deception. Furthermore, the minutes failed to reflect your self-serving "statement" about the suspiciously missing February 3rd audio from the EDC government website because it appears that it was obviously prepared for you by county counsel whenever there are liability issues. The public is entitled to honest services. As I stated previously, any obstructive, deceptive enterprise undertaken by any public official, such as you, which tends

to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of deceit, is the simplest and clearest definition of that word.

The requirements of *Tweel*, cited above, are incumbent upon you in both your personal and professional capacities, pursuant to the oath under which you hold and exercise the duties of your position. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, whether directly sworn or under Principal Agent oaths, then that is a Constitutional crime. Furthermore, I asked for your direct official email address, which you refused to give me. By your evasive response to me, it is evident that you do not want to be contacted, nor do you want to be transparent or held accountable to your oaths by the people you purportedly serve. Instead, you have conspired with county staff in multiple acts of obstructionism, fraud, and deprivation of the secured rights of the public, including me, all of which constitute serious crimes. See *USC Title 18, § 241*.

The First Amendment **guarantees** the Right of free speech and the Right to petition government for redress of grievances, which the oath taker, pursuant to his oath, is mandated to uphold. Pursuant to your principal agent oath of office, you have a duty to be **accessible** and **responsive**, in kind, to the public. Since you failed this requirement, then you have violated two provisions of the First Amendment, the Public Trust and perjured your principal agent oath. In this way, the public, including me, is deprived of their constitutionally guaranteed rights secured in the First Amendment.

- 9) By not responding to and/or not rebutting Citizens' questions, statements and comments, public officers, holding positions under oath-bound mandates, such as you, Kris, deny the Citizen, in the instant matter, me, remedy. Thus, by your actions you have denied me, the Citizen, constitutional due process of law, as stated within the Bill of Rights. An American Citizen, such as I, can expect, *and has the Right and duty to demand*, that government officials uphold their oaths to the Constitution(s) and abide by all Constitutionally-imposed mandates of their oaths, whether direct or agent principal oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby lawfully claim and exercise.

Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. Notably, you refused me the right to respond publicly by foreclosing meaningful public dialog for purposeful cover up of government malfeasance and, thus, maintained the status quo. Furthermore, you failed to provide honest public services pursuant to your duties under the referenced Principal Agent oaths, betrayed the Public Trust, and in so doing, you perjured those oaths by violating my constitutionally-guaranteed Rights, in particular those secured in the Bill of Rights, including, but not limited to, my First Amendment Rights. By your unlawful actions, you acted in sedition and

insurrection against the constitutions, both national and state, and in treason against the People, in the instant case, me.

- 10) You have no authority whatsoever to arbitrarily engage in dialog with some Citizens, or discriminately refuse to dialog with others. During the December 19th and February 3rd Parks and Recreation Commission meetings, I was discriminated against by you, Commissioner Kris Payne. You denied me equal rights when you repeatedly interrupted, harassed, and refused to allow me to respond to blatantly false statements publicly made against me. In violation of the Brown Act and your Principal Agent Oath of Office, you thus deprived me the right to due process for the purpose of redressing grievances.
- 11) As Chairman for the Parks and Recreation Commission, it has been brought to your attention on numerous occasions, as well as to the Board of Supervisors, that Parks and Recreation staff is habitually submitting erroneous data and/or false information regarding recommendations made to the Planning Commission and Board of Supervisors. Having knowledge of wrong doing, and your failure to take remedial action makes you culpable and liable. As such, my claims pertain to your failure to provide honest public services pursuant to your oaths. The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which, the oath taker, pursuant to his oath, is mandated to uphold. You failed this requirement, thus, you violated two provisions of the First Amendment, the Public Trust and perjured your oath.

By not responding and/or not rebutting, such as you have demonstrated, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or other public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by Citizens injured by their actions. All American Citizens, can expect, and have the Right and duty to demand, that government officers and their agents, uphold their oaths to the Constitution(s) and abide by all Constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

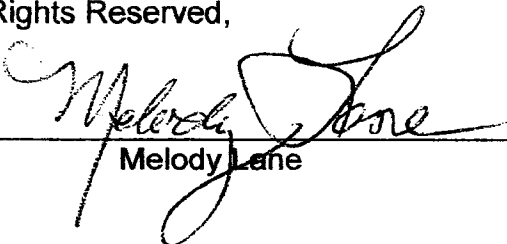
Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers and their agents, including you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon those executing the duties of any public office, at any level, without exception, as they are upon you.

Lawful notification has been provided to you stating that if you do not truthfully and factually rebut the statements, charges and averments made in this Affidavit/Declaration, then, you agree with and admit to them.

Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut that with which you disagree, with particularity, within thirty (30) days of receipt thereof, by means of your own written, sworn, notarized affidavit of truth, based on specific, relevant fact and valid law to support your disagreement, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the laws of the United States of America and this state of California. An un-rebutted affidavit stands as truth and fact before any court.

Your failure to respond, as stipulated, is your agreement with and irrevocable admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, fully binding upon you, District #3 Parks and Recreation Commissioner Kris Payne, in any court of law in America, without your protest, objection and that of those who represent you.

All Rights Reserved,

By:  Date: 5/18/20
Melody Lane

Melody Lane
Compass2Truth
C/o P.O. Box 598
Coloma, California [95613]

(See attached California Notarization)

Attachments:

Exhibit A – February 28, 2020 letter to Kris Payne

CC: District #1 Supervisor John Hidahl
District #2 Supervisor Shiva Frentzen
District #3 Supervisor Brian Veerkamp
District #4 Supervisor Lori Parlin
District #5 Supervisor Sue Novasel
CAO Don Ashton
Marshall Gold Discovery Historic State Park Superintendent Barry Smith
CA State Parks Director Lisa Mangat
Media and other interested parties

CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF El Dorado }

Subscribed and sworn to (or affirmed) before me on this 18 day of May, 2020
Date Month Year

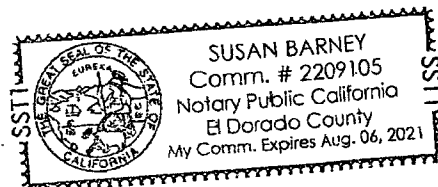
by Melody Lane

Name of Signers

proved to me on the basis of satisfactory evidence to be the person ~~(s)~~ who appeared before me.

Signature:

Susan Barney, Notary Public
Signature of Notary Public



Seal

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit of Truth - Kris Payne A&R Commissioner

Document Date: 5/18/20

Number of Pages: 8

Signer(s) Other Than Named Above: —

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

February 28, 2020

Kris Payne, Chairman
District #3 Parks and Recreation Commissioner
c/o 330 Fair Lane
Placerville, CA 95667

Mr. Payne,

This letter is lawful notification to you, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1. This letter requires your written rebuttal to me, specific to each claim, statement and averment made herein, within 30 days of the date of this letter, using true fact, valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond within 30 days as stipulated, and rebut, with particularity, everything in this letter with which you disagree is your lawful, legal and binding agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection or that of those who represent you. Your silence is your acquiescence. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

What I say in this letter is based in the supreme, superseding authority of the Constitution for the United States of America, circa 1787, as amended in 1791 with the Bill of Rights, and the California Constitution, to which all public officers have sworn or affirmed oaths, under which they are bound by Law. It is impossible for an oath taker to lawfully defy and oppose the authority of the documents to which he or she swore or affirmed his or her oath. My claims, statements and averments pertain to your actions taken regarding violations of the California Ralph M. Brown Act and the deprivation of my rights pursuant to your Principal Agent Oath of Office. When I use the term "public officer(s)", this term includes you.

It is a fallacy that you are a mere "volunteer" representative on the Parks and Recreation Commission, or any other committees that you currently serve. As the principal, District #3 Supervisor Brian Veerkamp has delegated authority to you, Kris Payne, to act on his behalf, as his agent, which was unanimously approved by the Board of Supervisors. As such, you are

EXHIBIT A

bound by the Principal Agent Oath of Office that requires you to support the national and state Constitutions and the rights of the people secured therein.

The Supreme Law and superseding authority in this nation is the national Constitution, as declared in Article VI of that document. In Article IV, Section 4 of that Constitution, every state is guaranteed a republican form of government. Any "laws", rules, regulations, codes and policies which conflict with, contradict, oppose and violate the national and state Constitutions are null and void, *ab initio*.

All public officers are required to abide by their oaths in the performance of their official duties. No public officer, including you, has the constitutional authority to oppose, deny, defy, violate and disparage the very documents to which he or she swore or affirmed his or her oath. All actions by public officers conducted in the performance of their official duties either support the national and state Constitutions, or deny them.

My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. When any public official has knowledge of wrongdoing, yet fails to take corrective action, then that public official aids and abets the unlawful action of the agent, thereby maintaining the status quo, and thus becomes complicit and liable. As you know, in some cases, it's the agent who can be held responsible for misconduct, illegal activity, or violations of business standards such as you have committed.

CLAIMS AND AVERMENTS:

It is the duty of every Citizen to demand that government representatives, such as you, specifically perform pursuant to the constitutional mandates contained within their oaths, and thereby uphold and protect the rights of the people, as opposed to upholding and promoting the profits of a rapacious, destructive association that perniciously violates the rights of the people as its apparent routine custom, practice, and policy. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services pursuant to your oaths.

Whenever constitutional violations are committed by public officers such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by their oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute fraud. Fraud vitiates any action.

On multiple occasions you, and all other Parks and Recreation Commissioners, have been publicly apprised concerning threats, retaliation, assaults, and slander, as well as blatant Brown Act violations and fraudulent River Management Plan information submitted to the Board of Supervisors by members of the River Management Advisory Committee (RMAC), Coloma Lotus Advisory Committee (CLAC), and Parks & Recreation staff. Subsequent recommendations made by Commissioners to the Board of Supervisors that are based on fraud affect their decisions, and ultimately adversely impact all EDC citizens.

Any enterprise undertaken by any public official, such as you, that tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. *See United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) *includes the deliberate concealment of material information in a setting of fiduciary obligation*. You've demonstrated that your role as chairman of the Parks & Recreation Commission serves to organize faction, to give it an artificial and powerful force to put in place a small but enterprising minority of special interest groups known for decades as the "River Mafia Mob." It is a matter of public record that the Mob has proven their hostility and retaliation against me for whistleblowing while operating outside of the law with the full knowledge and cooperation of county staff. Your public administration of their self-serving plan aids and abets the ill-concerted and incongruous projects of the "River Mafia Mob" rather than a policy which supports and defends Constitutional rights of all El Dorado County residents.

- 1) The River Management Advisory Committee (RMAC) was officially disbanded in 2017. However, on several occasions, you actively participated as a representative of the Parks and Recreation Commission in serial RMAC meetings and Coloma Lotus Advisory Committees (CLAC) serial meetings, most of which are held within the Marshall Gold Discovery Park. Although I personally audio record all such meetings, typically there is no county representative at those meetings who is equipped with an audio recording device to ensure transparency, accountability, and adherence to the Brown Act. Consequently Public Record Act requests for information that have been submitted produced evidence that the outcomes of those meetings have been predetermined via serial meetings which the Brown Act strictly prohibits.

For example, the February 5, 2018 RMAC meeting was another serial meeting held in the Coloma Grange Hall. You sat right next to me as I audio recorded the meeting. It is significant that you dominated that very chaotic meeting that failed to abide by the Brown Act. The purpose of the meeting was to draft the River Management Plan Resolution in order for special interest groups to retain their control over the S. Fork American River. You are well aware that the River Management Plan (RMP) has been a bone of contention with Coloma-Lotus residents for decades, and it is a topic frequently addressed during other relevant public meetings. Lori Parlin and Sue Taylor also attended and actively participated in the drafting of the RMP Resolution. However, it is significant that none of you reside anywhere near the river. Your involvement and collusion with county staff to promote special interest groups to the exclusion of local residents represents your bias, conflict of interest, and maintenance of the corrupt status quo. My written public comments about that particular serial meeting were submitted into the public record during the 2-13-18 Board of Supervisors meeting, agenda item #29 attached herewith as **Exhibit A**.

- 2) Over the past decade, the county has provided regular Brown Act training to all committees and commissions. During the December 19, 2019 Parks and Recreation Commission meeting, county counsel Janeth SanPedro warned the Commissioners about participating in serial meetings, which the Brown Act strictly prohibits. To wit, the Brown Act states:

54952.2. (b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

*The issue of serial meetings stands at the vortex of two significant public policies: first, the constitutional right of citizens to address grievances and communicate with their representatives; and second, the Act's policy favoring public deliberation by multi-member boards, commissions and councils. **The purpose of the serial meeting prohibition is not to prevent citizens from communicating with their representatives, but rather to prevent public bodies from circumventing the requirement for open and public deliberation of issues.** The Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken. (§ 54952.2(b); Stockton Newspapers, Inc. v. Redevelopment Agency (1985) 171 Cal.App.3d 95, 103.)*

Your active participation in serial RMAC and CLAC meetings represents a conflict of interest, is in violation of the Brown Act and your oaths of office.

- 3) At my request, you and three other individuals were asked to witness my factual presentation during the September 14, 2015 RMAC meeting regarding lack of Code and law enforcement within the Quiet Zone of the S. Fork American River. At that time you witnessed another setup by the River Mafia Mob whose illicit tactics were aided and abetted by Parks and Recreation Supervisor Vickie Sanders, Planning and Development Director Roger Trout, and Supervisor Mike Ranalli. You also witnessed RMAC members Tim Lasko and Adam Anderson create a sudden distraction by falsely accusing me of using profanity, but the truth was that I was seated quietly in the audience, which was indisputably proven by multiple audio recordings and a room full of witnesses. You also witnessed as I took my turn at the podium when Chairman Nate Rangel falsely accused me of violating the Brown Act and he began admonishing me when it was obvious I was perfectly within my First Amendment rights.

Since Supervisor Veerkamp appointed you as District #3 Parks and Recreation Commissioner, you have abused your position to emulate the same River Mafia Mob bully tactics against me. You've demonstrated the same aberrant conduct even during Taxpayers Association meetings attended by government officials, where you have interrupted, heckled, and publicly harassed me.

A recent example took place during the December 19, 2019 Parks and Recreation meeting, when county counsel Janeth SanPedro conducted a tutorial on the Brown Act. Several times during the meeting, you discriminated against me by refusing to respond to direct questions and repeatedly interrupted me when it was obvious that I was fully within my rights. After Ms. SanPedro left the meeting, at one point Parks and Recreation Supervisor Vickie Sanders specifically warned you to refrain from appearing like a "dictator", but you persisted in discriminating against me each time I approached the podium.

Under the Political Reform Act, federal anticorruption law broadly guarantees the public “honest services” from public officials. Depriving the public of honest services is a federal crime and a collaborative “set up” by county officials to discredit and permanently silence me for whistleblowing. *“Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation.”* (*Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988.)* See also *USGC Title 18, § 241 and § 242.*) Your collusion with staff and failure to **lawfully** and **publicly** respond to constituents, in this case me, aids and abets the perpetuation of El Dorado County dishonest services and corruption. The First Amendment guarantees the Right of free speech and the Right to petition government for redress of §grievances, which the oath taker, pursuant to his oath, is mandated to uphold. You failed this requirement by failing to rebut my lawful notices; thus you violated two provisions of the First Amendment, the Public Trust, and perjured your oaths of office.

- 4) During the December 2019 meeting agenda item #5, regarding the Parks and Trails Master Plan and the River Management Plan, you violated the Brown Act by heckling and repeatedly interrupting me before I could even finish my first sentence. Apparently you didn’t like the way I framed my remarks when I attempted to explain the nexus to Agenda 21, the Marshall Gold Discovery Park, American River Conservancy, and the grant money. You’ll recall that was the same topic discussed during the December 17, 2019 Taxpayers Association business meeting with 36 members, including public officials in attendance. When I exercised my rights, that is when you became argumentative and accused me of “name calling”. But witnesses and audio recordings prove I did no such thing. To wit, the Ralph M. Brown Act states:

§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.**

Your discrimination and repeated attempts to discredit and censor me, and control how I frame my remarks is a direct assault on my First Amendment rights.

- 5) When I challenged you during the December 2019 meeting regarding your violations of the Brown Act, you openly questioned county counsel Janeth SanPedro for personal legal advice, which was clearly outside of the law. Ms. San Pedro was clearly reluctant to respond and soon thereafter left the room.

During the same meeting, Jackie Neau and I inquired about agenda items which you ignored, and District #4 Commissioner Julia McIver would not respond to my direct questions. One of the issues being discussed had to do with conflicts of interest, which was an agenda item that was deferred to the January 16th Parks and Recreation Commission meeting. Without any authority to do so, Deputy CAO Creighton Avilla interrupted to advise you to “close public comments.” To wit, the Brown Act states:

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.

On numerous occasions, I have distributed copies of specific excerpts stating the Brown Act Preamble and the Rights of the Public. Despite having the law right in front of you, you ignored it as you continue to discriminate and show your contempt for the law, demonstrated by violating the Brown Act, your Principal Agent Oath of Office, and depriving me of the right to make inquiries and provide testimony. *See U.S. v. Tweel*, 550 F. 2d. 297. “*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*”

- 6) During the February 3, 2020 Parks & Recreation meeting, you again refused to respond to specific questions or allow me to provide public testimony. You arrogantly interrupted and continued to talk over me before I even finished the first sentence of my prepared written comments concerning agenda item #2 – Parks & Trails Master Plan, the River Management Plan, and the Water Quality Plan:

Kris Payne: (interrupting) Excuse me, I’m speaking about Item 2 and I assume that you’re going to read this...

Melody Lane: You did this last time, Kris. I know exactly what I’m doing. Would you please allow me to proceed, Kris...

Kris: But are you also going to speak the same comments on Item 3, Item 4, and whatever else I bring up?

Melody: Kris, you are violating my First Amendment rights right now. Don’t argue with me.

Kris: You’re wasting our time Melody.

Melody: I’m going to continue.

Kris: No! That has nothing to do with Item 2...(interrupting, talking over me, arguing)...I have to go to the bathroom...

When I requested to proceed so I could finish my prepared remarks, you then created a disturbance, claiming to need to go to the bathroom. Then you abruptly called a recess and stormed out of the room with another commissioner. The audio proves you and the other commissioners were clearly out of order by depriving me of my First Amendment

rights. Meanwhile I firmly stood my ground at the podium with my own audio recorder still on as the remaining commissioners demonstrated their hostility by threatening to have me removed from the building and alluding to county legal action:

Wayne Lowery: What are you going to do about it?

Melody Lane: You'll see.

Wayne: Is that a threat?

Melody: It is not a threat. It is a factual statement.

Wayne: It sounds like you are litigating this with the county. If that's the case, we can no longer talk to you about it.

When all the commissioners returned to their seats, I commenced my prepared comments, but you again disrespectfully talked over me and refused to permit me to finish my remarks. Before adjourning, Commissioner Wayne Lowery publicly acknowledged that you and the rest of the Commissioners had crossed far over the line, but even then you attempted to defend your unlawful actions without providing any lawful justification for them.

After the meeting adjourned and with my audio recorder still turned on, I inquired of Vickie Sanders why the January 16, 2020 Parks and Recreation meeting was cancelled only 24 hours in advance instead of just moving the meeting across the street as had been the practice in the past. Parks and Recreation was aware that two days prior, I had submitted relevant documents to be publicly posted to the Parks & Trails Master Plan and the River Management Plan agenda item. Those factual documents were relevant evidence of collusion between county staff and CA State Parks personnel involved in government corruption. Vickie replied, "*Because that wasn't how County Counsel wanted to handle it.*"

One of the other items to be discussed on the 1/16/20 agenda was Conflicts of Interest, but the entire agenda disappeared from the government calendar and was replaced with a cancellation notice. However, Conflicts of Interest did not appear again on either of the next three Parks and Recreation Commission agendas. My public testimony about your February 3rd debacle and deprivation of my rights was entered into the public record during the February 4th the Board of Supervisors meeting when I demanded Supervisor Veerkamp remove you from the Commission pursuant to his oaths. **(See Exhibit B).**

- 7) On February 25th, I brought to the attention of the Board of Supervisors that, although another Parks and Recreation meeting took place on February 20th, the incriminating audio of the February 3rd Parks and Recreation Commission meeting still had not yet been posted to the government calendar. **(See Exhibit C)**

However, on February 26th, it was brought to my attention that the minutes and the audio of the February 20th meeting suddenly appeared on the government calendar. Not only were the minutes deceptively inaccurate, it was obvious you had colluded with staff as you read your contrived statement about the missing and incriminating February 3rd audio:

Kris Payne: So we have the adoption of the agenda and the approval of the Consent calendar, ah, so let's just go. I'm going to skip that for this meeting. I need a motion

to accept the agenda as prepared, or if you've found something Vickie that is incorrect, let me know please at this time.

Vickie Sanders: (inaudible)...the audio recording of the February 3rd meeting did not tape.

Kris Payne: I'm going to speak to that in just a sec. Ok. So now we're dealing just with the adoption of the agenda...(Approval of the agenda)...Uh, show at least for this, uh, that Julia, uh, hasn't joined us yet. Oh here she comes!...Now we're going to do the approval of the Consent calendar. **Uh, so the Consent calendar for this meeting is one item. It's item number one, it's the minutes from our February 3rd, 2020, um, meeting, and I note that it includes a sentence, two sentences, and these words I'm going to read for the record: *An audio recording of that meeting will not be published to the website due to technical difficulty. The audio recording is not recoverable or audible and therefore will not be posted.* That's my statement.**

The public is entitled to honest services. Any enterprise undertaken by any public official, such as you, which tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of deceit, is the simplest and clearest definition of that word. The minutes failed to reflect your self-serving "statement" about the missing audio from the government website because it was obviously prepared for you by county counsel, who is known to use the "technical difficulties" excuse whenever there are liability issues.

Furthermore, you did not follow the agenda. You failed to abide by the Brown Act, you let Nate Rangel and other members of the public talk without limitation, you rambled on so long on Items #3 and #4 that Items #5 and #6 had to be skipped and deferred to a "Special" meeting scheduled for March 2nd. Additionally, Nate Rangel did NOT make any public comments during Items #5 and #6 as fraudulently reflected in the minutes because those items weren't even discussed or even open to public comment. The requirements of *Tweel*, cited above are incumbent upon you in both your personal and professional capacities, pursuant to your oath. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime.

You failed to provide honest public services pursuant to your oaths, and in so doing, you perjured your oath by violating my constitutionally-guaranteed Rights, in particular those secured in the Bill of Rights, including, but not limited to, my 1st Amendment Rights. By your unlawful actions, you acted in sedition and insurrection against the constitutions, both federal and state, and in treason against the People, in the instant case, me. *See United States v. Dial, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally.*

- 8) Two purposes of the Brown Act are to ensure government transparency and the preservation of Citizens First Amendment rights during public meetings. As you know, government censorship is against the law. During the 12/19/19 Parks and Recreation Commission meeting, you publicly acknowledged the fact that CAO Don Ashton had **unlawfully** blocked my ability to communicate electronically with most county staff,

including Parks and Recreation Supervisor Vickie Sanders. It was during a 2018 BOS meeting when I asked you for your email address and you responded, *"I prefer not to provide it at this time. Vickie is working on something in that regard."* I remarked that all the Commissioners have my contact information, but ever since Don Ashton created one generic general email for each committee and commission, that means the public has no way of contacting individual Commissioners. You responded, "I'm OK with a generic email." I did NOT ask whether you were OK with a generic email. It is evident that you and the rest of the commissioners do not want to be contacted, nor do you want to be transparent or held accountable to your oaths. Instead, you have conspired with county staff in obstructionism, fraud, and deprivation of rights of the public. *See USC Title 18, § 241.*

The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which the oath taker, pursuant to his oath, is mandated to uphold. Pursuant to your principle agent oath of office you have a duty to be ***accessible*** and ***responsive*** to the public. If you fail this requirement, then you have violated two provisions of the First Amendment, the Public Trust and perjured your oath. It is thus the public is deprived of their First Amendment rights and the "good old boys" status quo is maintained.

By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. An American Citizen, such as I, can expect, and has the Right and duty to demand, that government officials uphold their oaths to the Constitution(s) and abide by all Constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or verbal inquiries, which in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions. When public officers, such as you, harm the Citizens by their errant actions, and then refuse to respond to or rebut petitions from Citizens, then, those public officers are domestic enemies, acting in sedition and insurrection to the declared Law of the land and ***must be opposed, exposed and lawfully removed from office.***

Any actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By stepping outside of your delegated authority, you lost any "perceived immunity" of your office and you can be sued for your wrongdoing against me, personally, privately, individually, and in your professional capacity, as can all those in your jurisdiction, including any judges or prosecuting attorneys and public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties, thereto.

If they fail to act and correct the matter, then they condone, aid, and abet your criminal actions, and further, collude and conspire to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of their office and the jurisdiction for which they work. This constitutes treason by the entire jurisdiction against the People, in the instant case, me, and based upon the actions taken and what exists on

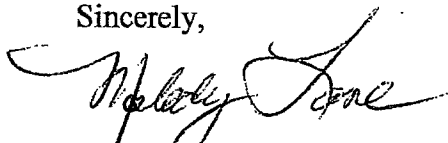
the public record, it is impossible for any public officer to defend himself against treason committed. *See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.*

Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers, including you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon public officers, without exception, as they are upon you.

If you disagree with anything in this letter, then, rebut that with which you disagree, in writing, with particularity, to me, within 30 days of the date of this letter, and support your disagreement with evidence, fact and law.

Your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable agreement attesting to this, fully binding upon you, in any court in America, without your protest or objection or that of those who represent you.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Lane". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Melody Lane

Founder - ***Compass2Truth***

Attachments:

Exhibit A – 2/13/18 BOS - my remarks – Agenda Item #29 – RMP/RMAC Resolution

Exhibit B – 2/4/20 BOS - my remarks – PRC Payne violated Brown Act

Exhibit C – 2/25/20 BOS - my remarks – Veerkamp > PRC Payne removal/audio missing

The idea of a “high Crime” which is referred to in our Constitution refer to those crimes committed by people in authority and especially those who are charged with securing the public trust. Hitler's propaganda chief, Joseph Goebbels, said “If you tell a lie big enough and keep repeating it, people will eventually come to believe it.”

Truth is the mortal enemy of the lie, and the list of the River Mafia lies and bully tactics lines up like something right out of the movie *The Godfather*. For example:

As discussed during yesterday's Taxpayers meeting, EDC code and law enforcement is abysmally lacking. County staff routinely falsifies records, declares negative EIRs, and resorts to bureaucratic legal manipulations. The outcomes of public meetings are predetermined before anyone enters the room. RMAC is no exception because serial meetings are routinely held at Camp Lotus, American River Conservancy and the MGDP.

Good governance is an oxymoron and transparency can only be described as a brick wall. Roger Trout's 3-strikes policy does not exist, therefore it cannot be enforced. He has consistently failed to lawfully respond to CPRAs concerning the RMP and specific business establishments within the Quiet Zone of the American River, thus demonstrating that mockery of the law is worse than no law at all. Retaliation by the mob is their modus operandi.

Last Monday night's chaotic RMAC meeting was held at the Coloma Grange Hall. When I entered the building RMAC business rep Adam Anderson immediately approached me in manner that can only be described as menacing. I ignored him until the point he invaded my personal space making it impossible to avoid him. Finally I turned around and questioned why he hadn't resigned as he stated and made part of the minutes of the 9/11/17 RMAC meeting. Adam replied to me with a sneer, *“Oh that was just a legal manipulation.”*

At the very beginning of the meeting it was announced that this RMP resolution would be approved at today's BOS, thus substantiating that the outcome was already predetermined. ~~Park & Rec~~ Commissioner Kris Payne, Sue Taylor and Lori Parlin were present, and although none of them live anywhere near the Coloma-Lotus river community it is significant that Kris Payne monopolized the meeting and that Sue Taylor contributed to the resolution revisions. The chaotic first hour and a half had nothing to do with the agenda item discussion. Kris Payne demonstrated apparent conflict of interests, violations of his Principle Agent Oath of Office and it certainly does not bode well that yesterday afternoon it was announced that the regular meeting of the Parks and Recreation Commission, scheduled for Thursday, February 15, 2018 has been CANCELLED.

There's no question about the political motivation behind these surreptitious activities taking place that are clearly outside of the law. In reality it is the implementation of Agenda 21.

EXHIBIT A

My purpose today is to address the atrocious discrimination, disrespect, and illicit conduct of District 3 Parks and Recreation Commissioner Kris Payne last night, as well as during the December 19th Parks & Rec Commission meeting when county counsel provided Brown Act training. Not only did Kris blatantly violate the Brown Act and my First Amendment rights, he used and abused his position as chairman to repeatedly interrupt, heckle, and harass me throughout the meeting. He has demonstrated the same flagrant conduct even during Taxpayer Association meetings.

During the first agenda item five words hadn't escaped my lips before Kris interrupted. FIVE WORDS!! He continued to interrupt and unnecessarily question me about a document that he had right in front of him. When I read the section of the Brown Act about the requirement to respond to statements or questions posed by persons exercising their public rights, Kris refused to lawfully respond to my 3 specific questions. Note U.S. v. Tweel - "*Silence can only be equated with **fraud** where there is a **legal or moral duty to speak** or where an **inquiry left unanswered would be intentionally misleading.**"*

During the second agenda item I wasn't able to finish my *first sentence* when Kris cut me off again by persisting in controlling how I framed my prepared written remarks. Despite my objections, he proceeded to talk over me the entire time, called a bathroom break, and left the room. That was the cue for the other commissioners to launch a verbal attack while I stood my legal ground.

After Kris returned to the room he again refused to recognize me or address my inquiries as required by law. Vickie Sanders and Creighton Avilla sat mutely while Kris violated my rights and conducted the meeting like a Nazi Gulag. The only other person in the audience was a member of the River Mafia Mob—Nate Rangel—who appeared very amused by the spectacle.

It is obvious that the CAO and Parks and Rec have something to hide, and are incapable of dealing openly, honestly, or in congruence with the EDC Core Values of **accountability, integrity, collaboration, and service excellence**. Creighton left the room at 5 PM, but by 5:40 the commissioners still hadn't finished item #4 primarily due to Kris being self-absorbed with his own agenda.

Before adjourning Dist. #5 Commissioner Wayne Lowery publicly acknowledged that Kris had disrespected me and the rights of the public, but you can bet the minutes will obfuscate what really transpired in the meeting that went overtime by nearly an hour. Kris tried to defend himself, but it was obvious that ALL the commissioners realized they had crossed far over the line by operating outside of the law.

Kris Payne is on power trip and totally out of control. Audio recordings, witnesses, and factual evidence validate all my claims and averments. Does any of this sound

EXHIBIT B

familiar? It should, because that's the modus operandi of the River Mafia Mob and certain members of the BOS, county counsel, and even the CAO who have aided and abetted the same unethical, fraudulent, and unlawful behavior for decades.

Kris Payne is NOT a volunteer—he is an appointee of the BOS and is bound by his Principle Agent Oath of Office. His unlawful conduct represents a problem as well as a liability to the county. When this Board has knowledge of wrong doing, but fails to take corrective action, then you become complicit and liable. Maintaining the status quo is not an option. The only solution is that Kris Payne needs to be removed from the Parks & Rec Commission in order to send a strong message that such conduct will not be tolerated.

Pursuant to the Brown Act I assert my rights to receive a public answer while I'm at a podium as to how and when the Board intends to deal with Mr. Payne's unlawful conduct.

Madam Clerk: Please enter these documents into the public record:

- 1) This transcript
- 2) Brown Act Rights of the Public

Brian, I wish to bring to your attention that the incriminating audio of the 2/3/20 Parks & Rec Commission meeting *still has not yet been posted* to the government calendar. It will be necessary for you to listen to both the December 19th and February 3rd PRC audios in order to validate my claims and averments against Kris Payne violating the Brown Act and my First Amendment rights. It appears County Counsel has something to hide...

You should also be aware the 1/16/20 PRC was suddenly cancelled on 1/15/20 due to alleged "equipment failure." However when I asked Vickie Sanders why the meeting wasn't just moved across the street as they had done in the past, she claimed "*That wasn't how County Counsel wanted to handle it.*" A primary item on the January 16th PRC agenda addressed the issues of Conflict of Interest brought up by other concerned citizens. ***That entire agenda has since disappeared and was replaced with a cancellation notice.*** It's the same situation with the disappearing BOS video and altered minutes concerning Agenda 21 brought up during the December PRC meeting.

We have reason to believe the real reason the January 16th PRC meeting was suddenly cancelled was due to the issues brought up during the December meeting, as well as Kris Payne's discrimination, bully tactics, and participation in serial meetings which the Brown Act strictly prohibits, particularly as it affects the River Management Plan.

It is a fact that Lori Parlin has aligned herself with Kris Payne, the River Mafia Mob, and American River Conservancy who have black-listed and disenfranchised river residents. It is also apparent that the CAO and all Parks & Rec Commissioners have NOT been operating transparently or in accordance with EDC core values, meanwhile catering to special interest groups, violating the Brown Act and their oaths of office. "*Oh, what a tangled web they weave, when first they practice to deceive!*"

Any act by any public official either supports and defends the Constitution, or opposes and violates it. Your representative to the Parks & Rec Commission, Kris Payne, represents a liability to the county and needs to be removed without further delay. As a reminder, you agreed to respond in writing regarding the effective date of his removal prior to the target date we discussed in your office on February 6th. Please, no interference by county counsel. Is that understood by you?

Madam Clerk: Please enter this document into the public record.

EXHIBIT C

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

May 16, 2020

Supervisor Brian Veerkamp, Dist. #3
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Supervisor Veerkamp,

This letter is lawful notification to you, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1. This letter requires your written rebuttal to me, specific to each claim, statement and averment made herein, within 30 days of the date of this letter, using fact, valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond within 30 days as stipulated, and rebut with particularity everything in this letter with which you disagree is your lawful, legal and binding agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection or that of those who represent you. Your silence is your acquiescence. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

What I say in this letter is based in the supreme, superseding authority of the Constitution for the United States of America, circa 1787, as amended in 1791, with the Bill of Rights, and the California Constitution, to which all public officers have sworn or affirmed oaths, under which they are bound by Law. It is impossible for an oath taker to *lawfully* defy and oppose the authority of the documents to which he or she swore or affirmed his or her oath. When I use the term "public officer(s)", this term includes you.

Since America and California are both Constitutional Republics, not democracies, they are required to operate under the Rule of Law, and not the rule of man. The Supreme Law and superseding authority in this nation is the national Constitution, as declared in Article VI of that document. In Article IV, Section 4 of that

Constitution, every state is guaranteed a republican form of government. Any "laws", rules, regulations, codes and policies which conflict with, contradict, oppose and violate the national and state Constitutions are null and void, *ab initio*. It is a fact that your oath requires you to support the national and state Constitutions and the rights of the people secured therein.

It is the duty of every Citizen to demand that government employees, such as you, specifically perform pursuant to the constitutional mandates contained within their oaths, thereby uphold and protect the rights of the people, as opposed to upholding and promoting the profits of a rapacious, destructive association that perniciously violates the rights of the people as its apparent routine custom, practice and policy. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

Whenever constitutional violations are committed by public officers, there are constitutional remedies available to the people. Such remedies make those who violate their oaths, such as you, accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by their oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute fraud. Fraud vitiates any action.

When you and other public officers violate the Constitutions, at will, as an apparent custom, practice and policy of office, you and they subvert the authority, mandates and protection of the Constitutions, thereby act as domestic enemies to these Republics and their people. When large numbers of public officers so act, this reduces America, California and the County of El Dorado to the status of frauds operating for the benefit of governments and their corporate allies, and not for the people they theoretically serve.

No public officer, including you, has the constitutional authority to oppose, deny, defy, violate and disparage the very documents to which he or she swore or affirmed his or her oath. All actions by public officers, including you, conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. You have continuously violated the national and state Constitutions, your oaths, my inherent rights and due process guaranteed in the Constitutions, and the Brown Act, as stated below and throughout this letter to you. Your unconstitutional, unlawful actions have grievously harmed me.

CLAIMS AND AVERMENTS:

- 1) On February 4, 2020 during the Board of Supervisors meeting, I publicly apprised you and the other Supervisors that Commissioner Kris Payne repeatedly violated the Brown Act and deprived me of First Amendment rights during the 12/19/19 and the 2/3/20 Parks and Recreation Commission meetings. **See Exhibit A, attached hereto and incorporated herein as if fully set forth in this letter.**

At that time, I rightfully demanded your public response to my petition to have Payne removed from the Parks and Recreation Commission for violating his Principal Agent Oath of Office through his numerous unconstitutional, unlawful actions committed against me. Instead of responding publicly as required under the Brown Act, you agreed to meet with me privately on February 6th to discuss the matter. Such tactical manipulations to willfully avoid and unlawfully evade public transparency and accountability demonstrate your hypocrisy and flagrant violations of the Brown Act, as well as your oaths of office.

An American Citizen, such as I, can expect, and has the Right and duty to demand, that government officers uphold their oaths to the Constitution(s) and abide by all constitutionally imposed mandates of their oaths. This is an unenumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters, emails or public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions.

The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**, which, the oath taker, pursuant to his oath, is mandated to uphold. If he fails this requirement, as you have, then he has violated two provisions of the First Amendment, the Public Trust and perjured his oath, as you have. By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. By your own actions, pursuant to your oath, you have violated these First Amendment guarantees.

- 2) On February 6, 2020, we met to discuss the removal of Kris Payne as your representative to the Parks and Recreation Commission, and the agenda for our brief meeting is attached herewith and incorporated herein, as if fully set forth in this letter, as **Exhibit B**.

One of the first things you said to me during our audio recorded meeting was that you shared my Christian values, therefore you urged me to remove the "log" in my own eye and "forgive" Mr. Payne for his transgressions. You should have learned through the mandatory Ethics Training required for all elected officials under AB1234, that not only was your tactic inappropriate and against all public policy, it was ethically and morally reprehensible, as well as totally hypocritical. Any public officer, such as you, who upholds and sanctions unconstitutional actions committed by his underling, and who attempts to exonerate and hold the underling harmless, is complicit in them, aids and abets them, commits misprision of the crimes, is directly responsible for them and can be held liable for them.

During our meeting, you were also specifically apprised of the assaults, armed intrusions, hacking, hate crimes, retaliatory actions, and falsification of records committed against me by the River Mafia Mob who work closely in conjunction with Mr. Payne and other Parks and Recreation staff. I refreshed your memory about several unlawful and unethical practices of Commissioner Payne, yet you failed to take any corrective measures, and in so doing you have aided and abetted the perpetuation of government fraud. Before our meeting adjourned, you verbally affirmed that you would respond **in writing** prior to March 11th--or sooner—providing me with the expected target date of Kris Payne's removal from the Parks and Recreation Commission.

Afterwards, I sent you an email encouraging you to listen to the full length of both the December and February audios to hear for yourself how Mr. Payne blatantly violated his Principal Agent Oath of Office, but you did not respond. I also sent you an email on February 19th about the upcoming 2/20/20 Parks and Recreation Commission meeting involving the River Management Plan, but you also failed to reply to that email, thus you again deprived me of First Amendment rights for redress of grievances, lied, were derelict in your duties and committed malfeasance of office, all of which invoked the self-executing Sections 3 & 4 of the 14th Amendment.

- 3) Anticipating interference by county counsel, during the February 25th Open Forum, I again brought to your attention additional remarks made by Commissioner Kris Payne during the February 20th Parks and Recreation Commission meeting. Kris made the following statement in response to Vickie Sanders cue regarding the missing 2/3/20 audio:

I'm going to speak to that in just a sec. Ok. So now we're dealing just with the adoption of the agenda...(Approval of the agenda)...Uh, show at least for this, uh, that Julia, uh, hasn't joined us yet. Oh here she comes!...Now we're going to do the approval of the Consent calendar. Uh, so the Consent calendar for this meeting is one item. It's item number one, it's the minutes from our February 3rd, 2020, um, meeting, and I note that it includes a sentence, two sentences, and these words I'm going to read for the record: An audio recording of that meeting will not be published to the website due to technical difficulty. The audio recording is not recoverable or audible and therefore will not be posted. That's my statement.

When I questioned you during the aforementioned BOS meeting, you publicly affirmed your obligation to respond to me in writing with the effective date of Mr. Payne's removal from the Parks and Recreation Commission. Since it was evident that Mr. Payne's statement concerning the missing incriminating 2/3/20 audio was prepared for him by county counsel, accordingly you publicly affirmed that you understood that Mr. Payne's removal from the Commission would take place *without any interference or bureaucratic shenanigans from county counsel*. My transcript was entered into the public record and is attached herewith and incorporated herein as if fully set forth in this letter, as **Exhibit C**. Once again,

you lied, misrepresented, were derelict in your duties, committed malfeasance of office and again invoked Sections 3 & 4 of the 14th Amendment.

- 4) In other email correspondence apprising you of the illicit conduct of District #3 Commissioner Kris Payne, you failed to reply, or took no action whatsoever to either stop or correct his continued violations of the Brown Act, my rights secured in the Constitutions, due process of law and Principal Agent Oaths of Office. A few email examples were dated December 27, 2019 at 4:50 PM; December 30, 2019 at 1:06 PM; January 2, 2020 at 8:54 PM; February 6, 2020 at 7:02 PM, and on February 19, 2020 at 4:32 PM. In so doing, you aided and abetted Mr. Payne's unlawful actions and are therefore complicit and liable. This is a fact, and as John Adams said, "Facts are stubborn things."

When you and other public officers violate the Constitutions at will, as an apparent custom, practice and policy of office, you and they subvert the authority, mandates and protection of the Constitutions, thereby act as domestic enemies to these Republics and their people. When large numbers of public officers so act, this reduces America, California, and the County of El Dorado to the status of frauds operating for the benefit of criminal, sinister, nefarious governments and their corporate allies, and not for the people they theoretically serve:

"The Oath of Office is a quid pro quo contract in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, conspiracy under Title 28 U.S.C., Title 18 Sections 241 and 242, treason under the Constitution at Article 3, Section 3., and intrinsic fraud..."

As chairman of the BOS, you have demonstrated your unwillingness to stop the perpetual violations of constitutional mandates, my secured inherent rights and due process committed by Commissioner Payne. Your knowledge of his wrongdoing and your failure to take remedial action violates numerous constitutionally secured rights and due process, including, but not limited to, my First Amendment right to petition government for redress of grievances.

- 5) You, and the other Supervisors, have received copies of notifications of legal responsibility that were addressed to Kris Payne, Vickie Sanders, Don Ashton, and Gary Miller relevant to their participation in government fraud, violations of the Brown Act, and their Oaths of Office. Any enterprise, undertaken by any public official, such as you, who tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy and violates the Public Trust. Fraud, which you have constantly committed in this instant matter, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths.

Our February 6th meeting resulted in your maintenance of the status quo position of non-action, so to me, you and the rest of the Board of Supervisors are frauds, totally worthless and useless in opposing and correcting unconstitutional actions and due process violations, yet very helpful in aiding and abetting unconstitutional actions committed by Mr. Payne and his Parks and Recreation cohorts, particularly as they pertain to the River Management Plan. As such, your actions, and/or failure to take action, have deprived me of numerous constitutionally secured rights, including, but not limited to, my due process rights secured by the First Amendment. Actions speak much louder than words, and by your actions and those of other Supervisors, pursuant to oaths taken, your combined actions have clearly established El Dorado County as a complete fraud which acts as a domestic enemy to the people it purportedly serves. You are all criminals in office and have all invoked the self-executing Sections 3 & 4 of the 14th Amendment.

- 6) The email I received from you on 3/2/20 at 3:35 PM, regarding the removal of Commissioner Payne, appeared to be composed for you by county counsel and was lacking your customary signature and title that was expected, as we discussed during our audio recorded February 6th meeting. It is attached herewith and incorporated herein as if fully set forth in this letter, as **Exhibit D**.

The timing of your reply also raised red flags since it was sent during the 3/2/20 "Special" Parks and Recreation Commission meeting made necessary due to Kris Payne being long-winded and causing the meeting, held just ten days earlier, to go overtime by nearly an hour. As I warned before, Mr. Payne remains out of control and needs to be removed from office for the numerous unconstitutional, unlawful actions he has committed as stated to him, you and others.

Furthermore, I believe that you were not being truthful when you stated, *"In an effort to ascertain the appropriateness of the facilitation, I attended the 2/20 P&R meeting and found it to be facilitated appropriately."* Brian, had you actually been there, then, it would have been perfectly evident that Chairman Kris Payne violated the Brown Act and that the minutes were deliberately **falsified**.

You publicly and privately lied to me concerning your lawful obligation to remove Kris Payne from the Parks and Recreation Commission for blatantly violating his Principal Agent Oath of Office. My audio recording and correspondence with Parks and Recreation staff corroborates that the following statement was another one of your deceptive fabrications: *"As you learned from the audio of the 2/20 P&R meeting, unfortunately, the recording of the previous meeting on 2/3 of the Parks & Recreation Commission did not work and only static can be heard."* In so doing you violated the public trust, discredited my factual testimony, and harmed me by depriving me of First Amendment due process rights for redress of grievances.

Your ending statement was the coup de grace signifying fraud and defiance to your Constitutional oaths, "*While we regret the disruption to the meeting of 2/3, we have a strong appreciation for the commitment and passion Kris brings to his volunteer service and we will not remove him as the District 3 representative to the Parks and Recreation Commission. Thank you for bringing your concerns to our attention, it has been a good learning opportunity for Kris.*" When you use the word "we", you imply collusion with all the Supervisors and other staff in a totalitarian decision to collectively defy your oaths and deny my God-given rights secured by the First Amendment. Not only were your remarks insulting, my audios of the December 19th and February 3rd meetings were perfectly audible, and proved beyond a shadow of a doubt your complicity in conspiring with county staff to maintain the corrupt status quo.

You also fail to grasp the fact that ***Kris Payne is not a volunteer***. He is ***your District #3 appointee*** to the Parks and Recreation Commission approved with the consent of the entire Board of Supervisors, and as such, he is bound by his Principal Agent Oath of Office. By failing to take remedial action, you have aided and abetted Mr. Payne's unlawful actions and egregiously deprived me of inherent rights secured by the First Amendment.

Additionally, you failed to respond to or rebut the averments in my email response which makes you complicit and liable for aiding and abetting government corruption. All of this constitutes further perjury of your oath and is actionable under Sections 3 & 4 of the 14th Amendment.

Depriving the public of honest services is a federal crime. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. All public officers, including you, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. (See U.S. v. Tweel above)

Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. Again, fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally. All of these pertain to you.

All actions by public officers conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters, emails, or meeting requests, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents

or by Citizens injured by their actions. When public officers, such as you, harm the Citizens by their errant actions, as you have done, and then refuse to respond to or rebut petitions from Citizens, as you have also done, then, those public officers, as are you, are domestic enemies, acting in sedition and insurrection to the declared Law of the land and **must be opposed, exposed and lawfully removed from office**. Again, see Sections 3 & 4 of the 14th Amendment.

- 7) As stated previously, actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By your stepping outside of the limited scope of your delegated duties and authority you lost any "perceived immunity" of your office and you can be sued for your wrongdoing against me, personally, privately, individually and in your professional capacity, as can all those in your jurisdiction, including your supervisors and anyone having oversight responsibility for you, including any judges or prosecuting attorneys and public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties, thereto:

"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation." (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988)).

If those superiors referenced above fail to act and correct the matter, then, they condone, aid and abet your criminal actions, and further, collude and conspire to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of their office and the jurisdiction for which they work. This constitutes treason by the entire jurisdiction against me, and based upon the actions taken and what exists on the public record, it is impossible for any public officer to defend himself against treason committed. See: 18 USC § 241 - Conspiracy against rights and 18 USC § 242 – Deprivation of Rights Under Color of Law. See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.

By your own actions, pursuant to your oath, you have violated these First Amendment guarantees. An American Citizen, such as I, can expect, and has the Right and duty to demand, that his government officers uphold their oaths to the Constitution(s) and abide by all constitutionally imposed mandates of their oaths.

It is your choice to either uphold your oath and the rights and best interests of the people, or violate your oath and your duties to the people. Anytime you perjure your oath, defy the authority of the Constitutions and step outside of the lawful scope of your duties and authority, you are personally liable. In fact, the national Constitution provides remedy for the people when public officers, such as you, perjure their oaths, which remedy, in part, can be found at the referenced Sections 3 and 4 of the 14th Amendment. Whenever public officers, such as you, pursuant to their oaths, violate Rights guaranteed to Citizens in the Constitutions, they act outside their limited delegated authority, thus, perjure their oaths, and by their own actions, invoke the self-executing Sections 3 and 4 of the 14th Amendment; thereby vacate their offices and forfeit all benefits thereof, including salaries and pensions, as you did, which is now a matter of public record.

Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon public officers, without exception, as they are upon you.

If you disagree with anything in this letter, then rebut that with which you disagree, *in writing, with particularity*, to me within thirty (30) days of the date of this letter, and support your disagreement with valid evidence, fact and law.

Your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable agreement attesting to this, fully binding upon you, in any court in America, without your protest or objection and that of those who represent you.

Sincerely,

All Rights Reserved

Melody Lane

Attachments:

Exhibit A – 2/4/20 BOS Open Forum transcript

Exhibit B - 2/6/20 meeting agenda

Exhibit C - 2/25/20 BOS Open Forum transcript

Exhibit D – 3/2/20 email prepared by County Counsel w/o Veerkamp signature

CC: Supervisor John Hidahl
Supervisor Sue Novasel
Supervisor Shiva Frentzen
Supervisor Lori Parlin

Tracking Number: 70183090000026510127

Your item was picked up at a postal facility at 9:21 am on May 22, 2020 in PLACERVILLE, CA 95667.

Status

 **Delivered**

May 22, 2020 at 9:21 am
Delivered, Individual Picked Up at Postal Facility
PLACERVILLE, CA 95667

AFFIDAVIT/DECLARATION OF TRUTH

Andy Nevis
CA Water Resources Control Board
1001 I Street
Sacramento, CA 95814

I, Melody Lane, the undersigned, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and swear, under my oath and under the pains and penalties of perjury under the laws of the United States of America and of this state, that I am of legal age and of sound mind and hereby attest that the statements, averments and information contained in this Affidavit/Declaration are true and correct to the best of my knowledge.

This Affidavit/Declaration of Truth is lawful notification to you, Andy Nevis, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and The Bill of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23 and Article 3, section 1, which requires your written rebuttal to me, in kind, specific to each and every point of the subject matter stated herein, within 15 days, via your own sworn and notarized affidavit, using true fact, valid law and evidence to support your rebuttal of the specific subject matter stated in this Affidavit/Declaration.

You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection and that of those who represent you. Your silence is your acquiescence. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. *Notification of legal responsibility is "the first essential of due process of law."* See also: *U.S. v. Tweel*, 550 F. 2d. 297. *"Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."*

When I use the term "public officer(s)", this term includes you, Andy Nevis, technician for the CA Water Resources Control Board, and President of the Taxpayers Association of El Dorado County. Any act committed by you either supports and upholds the Constitutions, national, and state, or opposes and violates them. Your oath of office requires you to support and uphold the national and state Constitutions, and therefore you are constitutionally mandated to abide by that oath in the performance of your official duties. You have no Constitutional authority, or

any other form of valid, lawful authority, to oppose and violate the very documents to which you swore or affirmed your oath and by which you were delegated by the people the limited authority to conduct the duties of your office. These three above stated positions are true, factual, lawful and constitutionally ordained.

However, despite the above-stated factual, lawful positions, your unconstitutional actions, as described throughout this Affidavit/Declaration of Truth, clearly demonstrate how you, Andy Nevis, have violated all of the above lawful positions, the Constitutions, your oath of office, acted against the public good by violating the public trust and committing sedition and insurrection. Pursuant to your unlawful and unconstitutional actions, you have invoked the self-executing Sections 3 & 4 of the 14th Amendment to the national Constitution, and thereby have lawfully vacated your office and forfeited all benefits thereof, including salary and pension. Please note that, as stated above and below, if you fail to specifically rebut, in kind, any of the charges, claims and positions set forth in this Affidavit/Declaration, by means of your own sworn notarized Affidavit, supported by truth, fact, valid law and evidence, then you tacitly admit to them, and these admissions will be lawfully used against you. The following paragraphs and others throughout this Affidavit/Declaration describe some of your unlawful, unconstitutional actions, which have harmed me and others:

1. You, Andy Nevis, are a public servant employed by the CA Water Resources Control Board and whose salary is paid for via my taxes, therefore you work for me and the other tax paying Citizens of El Dorado County.

*“The Oath of Office is a quid pro quo contract in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, **conspiracy** under Title 28 U.S.C., Title 18 Sections 241, and 242, **treason** under the Constitution at Article 3, Section 3, and intrinsic **fraud**...”*

All actions by public employees whether conducted in the performance of their official duties, or in associated activities such as your role as President of the Taxpayers Association of El Dorado County, either support and defend the national and state Constitutions, or oppose and violate them. All public employees must demonstrate the highest standards of morality and ethics consistent with the requirements of their positions and consistent with the law. You are expected to uphold these principles, being **ever conscious that public office is a public trust**. Any enterprise undertaken by any public employee, such as you, which tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. By your actions, you have committed fraud on numerous occasions, as herein described. You have failed on numerous occasions to provide honest public

services relevant to your duties as a public employee and also acting as President of the Taxpayers Association, which actions are described throughout this document. Furthermore, you have conspired with Directors of the Taxpayers Association and other public officials to censor me and maliciously impugn my good name and reputation solely because I have had the temerity to exercise my rights and civic duty to challenge those who brazenly dare to infringe on my God-given liberties and violate rights guaranteed in the state and national Constitutions which are guaranteed to the people, in the instant case, me.

In so doing, you perjured your oath by violating my Constitutionally guaranteed Rights, particularly those secured in the Bill of Rights, including but not limited to my 1st Amendment Rights. By your unlawful actions, you acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me. *See: USC Title 18, § 241- Conspiracy Against Rights.*

2. You have publicly professed your aspirations to run for public office, yet you have used and abused the Taxpayers Association to further your own political platform. As such, your personal interests present a conflict of interest which is against the Bylaws and Policies and Procedures of the Association. Since December 9, 2019, you have presided as President of the Taxpayers Association of El Dorado County. At that time you publicly stated, *"If we are going to be holding government accountable, then we need to make sure our internal process is as tight as possible. My plan was to bring this up at our first Business Meeting in January, but you have my pledge that it will definitely be an important topic."* Mr. Nevis, that internal process requires your own adherence to the following Bylaws and Policies and Procedures:

The Object of the Taxpayers Association of El Dorado County is the creation and maintenance of a forum within which to study the issues of government and the **problems of those who are governed**. This shall occur through an ongoing weekly discourse that will be open to members of the Association, the public and those who govern. These discussions shall be directed by the Association in an effort to educate all taxpayers as to the **current issues**, how they may be affected, how to **reveal** and **understand** the true costs of government, and to encourage awareness of **individual responsibility**. The Association shall monitor and be involved in the process of governance to help insure that the **blessings of freedom** shall be forever perpetuated." [Emphasis added]

The organization shall be governed by its Articles of Incorporation, Bylaws, Policies and Procedures, Standing Rules, Special Rules, and Resolutions. **It shall adhere to and comply with all applicable Federal State and local laws, codes, regulations and ordinances**. The organization shall strive to operate in a manner consistent with nonprofit best practices and shall **maintain all records** required to be **made available for public inspection**. The organization shall maintain a written **Conflict of Interest Policy, Non-Discrimination Policy,**

Records Retention/Destruction Policy, Whistle Blower Policy, and Mid-Term Director Replacement Policy. [Emphasis added]

You are cognizant that I have been a paid General member of the Taxpayers Association of El Dorado County since 2008: You are also aware that prior to retiring, I was employed by Capitol legislators and actively involved in Capitol ministries, as well as founding in 2009 the whistleblower organization, **Compass2Truth**. The Association is open to the general public and frequently attended by public officials, many of whom are the guest speakers. It is a matter of public record that I have been actively holding local officials' "feet to the fire" for violating their Constitutional oaths of office, including but not limited to: Sheriff D'Agostini, Parks and Recreation Commissioner Chris Payne, Sr. Services attorney Al Hamilton, Supervisor Shiva Frentzen, Supervisor Sue Novasel, Supervisor Brian Veerkamp, Commissioner Gary Miller, and Assemblyman Frank Bigelow. All my sworn and notarized affidavits *revealed problems* with public officials in order that the public could *understand* the issues and ensure that the *blessings of freedom shall be forever perpetuated*. But you, Mr. Nevis, by your actions, have apparently chosen to follow in the footsteps of self-proclaimed "dictator" Al Hamilton, the previous President of the Association, who has publicly harassed and threatened to "destroy" me as witnessed by members of the Association including Supervisor Lori Parlin whose notarized sworn affidavit is hereby attached as **Exhibit A**, made part hereof as if fully incorporated herein.

3. It is a matter of public record that the following Directors of the Taxpayers Association have threatened me, discriminated against me, or unlawfully deprived me equal benefits of membership: Sr. Services Attorney Al Hamilton, V.P. Chris Payne, Secretary Todd White, former Supervisor Jack Sweeney, and former Association Presidents Bill George and Bill Carey. You, Mr. Nevis, are demonstrating their same dysfunctional biases by discriminating against me, a well-known third generation evangelical senior citizen and Constitutional activist.

You have been apprised that I've filed two formal complaints against Al Hamilton with the CA State BAR Association. Furthermore, I entered into the public record during a Board of Supervisors meeting an un rebutted Affidavit of Truth relevant to Al Hamilton, which was also submitted to the Secretary of the Taxpayers Association as a *permanent record* to be made available for *public inspection*. It was during the July 28, 2020 Board of Supervisors meeting that you joined V.P. Chris Payne and Secretary Todd White in publicly praising Al Hamilton for his contributions to the Taxpayers Association when you knew full well his notorious reputation for discrimination against women, bully tactics, and failure to abide by the Association Bylaws, Policies and Procedures. It was at that time that I again entered into the public record the factual Affidavit of Truth containing Supervisor Lori Parlin's notarized affidavit documenting Hamilton's threat to "destroy" my reputation. During Al's closing remarks he publicly mocked me, meanwhile effusively encouraging you, Todd, and Chris to continue in his illicit footsteps.

4. You have made it a habit to regularly censor and discriminate against me during Taxpayers Association meetings. One such instance was during the October 12, 2020 District #1 Candidate forum. Because candidate Ron Briggs failed to show up, Democrat candidate John Hidahl had an entire hour solely to himself to answer questions. You then made a point to circumvent the purpose and intent of the submitted question that I ask at every candidate forum:

*“This question has some ambiguities, so just for transparency, I’ll read the question as it was submitted and then I’ll invite you to, uh, maybe take it into a little more broader form of theater, so it will be more insightful discussion. So I’ll read the question, **All elected officials are required to sign an oath of office to protect and support the state and national constitutions. If you are elected, will you sign a Constitutional Affidavit that essentially says that if it is PROVEN that you have violated your oath of office, then you will immediately resign and/or allow the people to remove you from office without your protest or objection? What I’m going to invite you to do is reflect on, since you have already been supervisor, reflect on taking the oath of office. What does that oath mean to you, and how does it, you know, guide your everyday operations as a supervisor?”***

Mr. Nevis, you have no authority whatsoever to re-word, circumvent, or qualify questions asked of any candidate for public office. Other examples include the June 15, 2020 business meeting when you disrespectfully dismissed me after I raised ongoing issues with Todd White. He has discriminated against me ever since he replaced Bernard Carlson as Secretary of the Association. Todd still refuses to include me in the distribution of monthly speaker schedules and all other Taxpayers correspondence that all members are entitled to receive. Furthermore, you have taken it upon yourself to aid and abet Todd White’s refusal to produce records and expenditures which I requested in writing and are lawfully required to be made available for public inspection. Then on July 27, 2020 you repeatedly muted me in midsentence during the Zoom meeting. Again during the October 19, 2020 El Dorado Irrigation District Candidate Forum, you failed to ask my question of the candidates which I provided to you at the very beginning of the forum, and instead proceeded to ask your own questions of the candidates. Your tactics dilute the intent of public participation in candidate forums. You are aware this has been an extremely sensitive issue at all other candidate forums, where the Citizens are denied the First Amendment Right to ask the hard and revealing questions that would enable them to make intelligent voting decisions about the candidates. In so doing you have deprived me of my inherent Rights, violated your oaths and all of the provisions within the Taxpayers Objectives, Bylaws, and Policies and Procedures. *See United States v. Dial, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 - Concealment, removal, or mutilation generally.*

5. Your established pattern of behavior since you became President of the Association demonstrates that the Taxpayers Association of El Dorado County has no genuine

interest in abiding by the Association policies, bylaws, mission statement, reasonable standards of conduct or applicable state and federal laws. On numerous occasions, I've requested in writing from you and Secretary Todd White copies of records which the bylaws require be made available to the public. As a long standing member, all my requests have been either flatly denied or ignored, further betraying the Association's alleged mission statement "to monitor and be involved in the process of governance to help in order that the blessings of freedom shall be forever perpetuated." The only thing I despise more than being lied to is being lied about. On several occasions you audibly stated during Taxpayers meetings that Todd White would include me in distributions of all monthly schedules of speakers and other Association correspondence. But these were outright lies. Both you and Todd have failed to abide by the Association policies, procedures, and applicable law. By your obstructive actions against me, you demonstrated flagrant bias and discrimination against me in violation of equal treatment under the law.

6. It is a matter of public record that I've predicated statements made during Taxpayers Association meetings and during Board of Supervisors meetings that the federal and state Constitutions are the Supreme Law of the Land which clearly supersede any lesser "laws", statutes, rules, codes, regulations and policies, including the ones upon which the Taxpayers Association alleges to rely. A statute either supports and upholds the Constitutions or opposes and violates them and the due process of law and rights guaranteed therein.

Furthermore, you are aware that Chris Payne, Sr. Services Attorney Al Hamilton, Commissioner Gary Miller, and Supervisors Shiva Frentzen, Sue Novasel, Brian Veerkamp, and Sheriff D'Agostini have all been served with notifications of their legal responsibilities, which is the first essential of due process of law. Under the Political Reform Act, federal anticorruption law broadly guarantees the public "honest services" from public officials. Depriving the public of honest services is a federal crime. Again, any enterprise undertaken by any public official, such as you, which tends to weaken public confidence and undermine the sense of security for individual rights, is against public policy. Fraud, in its elementary common law sense of deceit, is one of the meanings that fraud bears.

It is my duty to demand that you and other government officials uphold their oaths to the Constitution(s) and abide by all constitutionally-imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise. All of the facts, claims and charges stated herein clearly demonstrate that you, Andy Nevis, pursuant to your oaths, acted outside the lawful scope of your limited duties and constitutional authority; therefore, you acted on your own, as a private Citizen and renegade, outside of any governmental protection and/or immunity, whatsoever. Thus you, as an individual, will be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights. You acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me.

7. During the November 9, 2020 Taxpayers Business Meeting, you recognized me to speak, but then you pounded your gavel and interrupted me when I commented about your inappropriate conduct, shameful disrespect, and the fact that you censor me during meetings, just as Al Hamilton consistently did to me when I stood up to his bully tactics. I remarked that it was deeply disturbing to hear you, Todd White and Kris Payne during the BOS Retirement Proclamation for Sr. Services Attorney Al Hamilton, actually praising him for his “honesty” and service to the county when it is a matter of public record that Al Hamilton brazenly threatened me and at least five other women during Taxpayers meetings. These facts are backed up by multiple witnesses and by an unrebutted Affidavit of Truth that includes the referenced sworn Affidavit of Supervisor Lori Parlin attached hereto as **Exhibit A**.

When I replied about your shameless hypocrisy, you again interrupted me by furiously pounding your gavel and stating: *“I have met Al Hamilton maybe three or four times. Other than that Board of Supervisors meeting you referenced, I just called to congratulate him on his retirement, and I have not spoken to Al Hamilton in at least three years. So that’s just crazy.”*

Not only was your remark disrespectful, it was a blatant lie. My records reveal Al Hamilton was still a Director of the Association in 2019, but he only occasionally attended meetings. Furthermore, my audio recordings revealed you actively engaged in conversation with him. However, when Hamilton stopped showing up at meetings altogether without submitting his resignation as required in the bylaws, Chris Payne announced to the group that the Elections Committee had opted to wait until the end of the year to replace Hamilton as a Director. It should be noted that Al Hamilton had also previously refused to accept the written resignation of Bernard Carlson and allowed him to remain a “placeholder” and an “absentee” Director of the Association, who is confined to an assisted living facility.

The public is entitled to honest services. You have consistently deprived me of honest services and the exercise of my right to access Taxpayers Association records as provided in the Policies and Procedures. As previously stated herein, any deceptive, obstructive enterprise undertaken by any public official, such as you, that tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy and against the Supreme Law of the land and any other laws which comply with the national Constitution. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. *See United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) *includes the deliberate concealment of material information in a setting of fiduciary obligation. See also: USC Title 18, § 2071 – Concealment, removal, or mutilation generally. See also: United States v. Dial, supra, - Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. See also: Morrison v. Coddington*, 662 P.2d. 155, 135 Ariz. 480 (1983) - *Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth.* [Emphasis added]

8. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths which violated due process of law. The American people, including me, are constitutionally guaranteed the rights of life, liberty and property that cannot be taken from us except through due process of law. Since due process is a sworn duty of any action committed by any public official, in the instant case you, by your violations of due process of law nullify your actions. You extended absolutely no due process of law whatsoever to me, yet, by your unconstitutional actions, as described herein, you harmed me, and others, in direct violation of your oaths. As stated previously, any enterprise undertaken by any public official, such as you, which tends to weaken public confidence in the law, undermines the sense of security for individual rights, and is against public policy. Your repeated deprivations of my right to lawfully access records and your discriminatory actions against me, a law-abiding American Citizen dwelling in El Dorado County, are a direct assault upon my due process rights secured in the national and state Constitutions, including those secured in the First Amendment. Thus, your egregious violations of due process of law render you personally responsible and liable for your actions, because you have stepped outside the lawful scope of your limited duties and authority, usurped authority not possessed, and act as a renegade.
9. On November 16, 2020 I entered the Taxpayers Association meeting and silently handed Sheriff D'Agostini three (3) Affidavits addressed to **Deputy Jaime Toney**, and Senior Sheriff Technicians **Angela Sterling** and **Steve McCallum**, for depriving me of public services, violating their oaths of office, conspiracy against rights, and deprivation of rights under color of law.

Notification of legal responsibility is the first essential of due process of law, and un rebutted affidavits are admissible as factual evidence in any court in America. However, Sheriff D'Agostini tossed the legal documents onto my table as if to refuse them. When I retrieved the documents and again silently placed them on the table in front of the sheriff, he again tossed the documents towards two unidentified women seated on the opposite side of my table. The blonde woman interfered with due process of law by snatching the legal documents and then placing them on the chair beside her. I silently walked around the table to retrieve them, but that's when the blonde and the sheriff created a public spectacle. Then as if on cue, Chris Payne intensified the scene by loudly shouting that I was disrupting the meeting when, in fact, the sheriff had maliciously retaliated against me for publicly holding his feet to the fire—**exactly as he encouraged me to do when he first took office**--and which is my duty as an American Citizen.



It was later brought to my attention that the blonde woman is a retired member of the sheriff's clerical staff who was accompanied by her daughter seated next to her. She had no lawful authority to interfere with due process of law. From the appalling indifference and incompetence I have directly experienced from EDSO personnel, it is evident that the sheriff and the rest of his staff do not want to be contacted by any member of the public, nor do they want to be transparent or held accountable to their oaths by the people they purportedly serve. Instead, the sheriff has conspired with county staff, including members of the Taxpayers Association, in multiple acts of obstructionism, fraud, and deprivation of the secured rights of the public, all of which constitute serious Federal CRIMES. The transcript of my brief interaction with Sheriff D'Agostini and the two women is attached hereto as **Exhibit B**, incorporated herein and made part hereof.

Then on November 16, 2020, a concerned individual sent me a 1.08-minute video clip of the aforementioned incident that was apparently posted on Facebook and distributed by you, Andy Nevis, in which you tagged Sheriff D'Agostini, Supervisor Shiva Frentzen, Supervisor Brian Veerkamp, Supervisor Sue Novasel, Supervisor John Hidahl, District Attorney Vern Pierson, Commissioner James Williams, and Commissioner Gary Miller. All except one of the aforementioned individuals have received from me notifications of legal responsibility for violating their Constitutional oaths of office, which were accordingly entered into the public record during Board of Supervisors meetings in the form of un rebutted Affidavits of Truth. The video you posted to Facebook generated considerable controversy and negative comments about me, including a false complaint made to you by the blonde woman who *unlawfully* grabbed the legal documents. After the meeting adjourned, the blonde woman exacerbated the situation with her unnecessarily melodramatic order to "Back up! Back up!" It is a fact that I never even approached her because I was on the opposite side of the table when I asked her to identify herself. Then she falsely claimed that I committed a crime by "touching" her when it was evident she interfered with due process of law by apparently acting as an unauthorized agent on behalf of the sheriff to impede my lawful actions protected in the First Amendment with my right to redress my grievances to

government. Government is the SERVANT of the people, not the belligerent master of the people.

10. Your Facebook posting and distribution of the one-minute video clip is a malicious and defamatory attack on my character. Furthermore, the subsequent email you sent on November 11, 2020 subject title of "Notice of Potential Taxpayers Association Disciplinary Action" has no merit or lawful standing. You state that the Board of Directors will be meeting in closed session (date to be determined) to review the allegations against me and determine any disciplinary action. **See Exhibit C**, attached hereto, made part of hereof, as if fully incorporated herein.

You have no lawful authority to hold a tribunal at an undisclosed time, to take disciplinary action against me, or to act as judge, jury and executioner when I have done nothing other than to appropriately exercise my Constitutional rights. I have been a paid member of Taxpayers for over 12 years in addition to being a candidate for Director of the Association. You have no legal standing to make your demands, or to discriminate against me by refusing to recognize me at upcoming public meetings. It is you, Andy Nevis, who have violated your oaths of office and maliciously maligned my good name in an attempt to "destroy" my reputation by evidently picking up the gauntlet that Al Hamilton laid down. In fact, your email appears to be written by a lawyer who has an axe to grind. Exercise of rights cannot be converted into a crime. Pursuant to your oaths, as described herein, by your own unlawful actions you have violated, restricted, and denied my inherent constitutionally guaranteed rights and due process of law. Furthermore, you egregiously harmed me by conspiring with county officials and other individuals to suppress my inherent right of free speech, preventing and/or restricting my access to government officials, and depriving me of information or services necessary to assist my efforts for redress of grievances—all lawful actions on my part that fall under the protections of the First Amendment. See *Miller v. U.S.*, 230 F.2d. 486,489 "The claim and exercise of a Constitutional right cannot be converted into a crime." See also USC 18 § 241 and USC 18 § 242, respectively, *Conspiracy Against Rights and Deprivation of Rights Under Color of Law*.

11. By conspiring with other government officials, you have denied me due process of law as stated within the Bill of Rights. Constitutionally-compliant due process of law clearly requires that ALL Constitutionally-secured rights and ALL aspects of due process of law be upheld. Your repeated attempts to bully, discredit, defame, and censor me are in defiance of the Constitution(s), and your discriminatory actions are a direct assault upon my due process rights in the Constitutions, including rights secured in the First Amendment. Constitutionally-secured inherent rights and due process of law are guaranteed to me and all American Citizens. The requirements of *Tweel*, cited above, are incumbent upon you in both your personal and professional capacities. By your own actions, pursuant to your oaths, you have violated these First Amendment guarantees, betrayed the Public Trust, and perjured your oaths of office.

"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in

constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation." (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988).

By your stepping outside of your delegated authority, you lost any "perceived immunity" and you will be sued for your wrongdoing against me, personally, privately, individually and in your professional capacity, as can all those in your jurisdiction, including your supervisors and anyone having oversight responsibility for you, including any judges or prosecuting attorneys and public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties, thereto.

Lawful notification has been provided to you stating that if you, Andy Nevis, do not rebut the statements, charges and averments made in this Affidavit/Declaration, then you tacitly agree with and admit to them. Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut to me that with which you disagree, with particularity, within fifteen (15) days of receipt thereof, by means of your own **written, sworn, notarized affidavit of truth, based on specific, true, relevant fact and valid law** to support your disagreement, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the laws of the United States of America and this state of California. An unrebuted affidavit stands as truth and fact before any court. Your failure to respond, as stipulated, is your tacit agreement with and admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, and is your irrevocable admission attesting to this, fully binding upon you in any court of law in America, without your protest, objection and that of those who represent you.

Affiant further sayeth naught.

All rights reserved,

Melody Lane, Affiant/Declarant
Founder, Compass2Truth
P.O. Box 598
Coloma, CA 95613

Date

(See attached California Notarization)

Attachments:

Exhibit A – Lori Parlin notarized affidavit – Al Hamilton
Exhibit B – 11/3/20 Taxpayers/D'Agostini Transcript
Exhibit C - Andy Nevis – Disciplinary Action email

CC: Charles DelGado, CA Water Resources Control Board
Eileen Sobeck - Executive Director, CA Water Resources Control Board
Taxpayers Association of EDC, Secretary Todd White
Sheriff John D'Agostini
District Attorney Vern Pierson
Dist. #1 Supervisor John Hidahl
Dist. # 2 Supervisor Shiva Frentzen
Dist. # 3 Supervisor Brian Veerkamp
Dist. #4 Supervisor Lori Parlin
Dist. # 5 Supervisor Sue Novasel
Media and other interested parties

Tracking Number: 70170660000055281671

Your item was delivered to the front desk, reception area, or mail room at 11:02 am on December 7, 2020 in ZIP Code 95800.

Status

 **Delivered**

December 7, 2020 at 11:02 am
Delivered, Front Desk/Reception/Mail Room
95800

	El Dorado County ... Public Records Request :: P003410-072821	Wed 11/17/2021 1:03 PM	9.
	El Dorado County ... Public Records Request :: P003589-092721	Wed 11/17/2021 1:02 PM	9.
	El Dorado County ... Public Records Request :: P003679-102921	Wed 11/17/2021 12:59 PM	8.
	Kim Dawson Re: BOS video/audio	Wed 11/17/2021 12:40 PM	9.
	Kim Dawson Re: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointment to ...	Wed 11/17/2021 12:40 PM	3.
	Kim Dawson Re: BOS video/audio - Consent #47 and Open Forum	Wed 11/17/2021 12:39 PM	1.
	Kim Dawson Re: FW: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointmen...	Wed 11/17/2021 12:39 PM	3.
	Kim Dawson Re: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointment to ...	Wed 11/17/2021 12:39 PM	4.
	Kim Dawson Read: RE: BOS video/audio - Consent #47 and Open Forum	Wed 11/17/2021 12:39 PM	6.
	Kim Dawson Read: FW: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointm...	Wed 11/17/2021 12:39 PM	6.

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Friday, November 5, 2021 4:54 PM

To: david.livingston@edcgov.us; Breann Moebius

Cc: sue.novasel@edcgov.us; lori.parlin@edcgov.us; john.hidahl@edcgov.us; wendy.thomas@edcgov.us; george.turnboo@edcgov.us; Tiffany Schmid; 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Amanda Ross; Andy Nevis; John Clerici; Jon Vegna

Subject: PRA submitted 10/19/21 - No response or tracking #

Mr. Livingston et al,

Apparently Ms. Dawson is being counseled by you and/or staff not to respond to PRAs. Kim still has not responded to items #1, 2, 3, 4 & 5 in the below PRA submitted to her on 10/19/21. In fact, she has not even assigned a tracking number to the PRA. This is indicative that the county has something to hide:

- **Access is immediate** and allowed at all times during business hours. (§ 6253(a)). Staff need not disrupt operations to allow immediate access, but a decision on whether to grant access must be prompt. An agency may not adopt rules that limit the hours records are open for viewing and inspection. (§ 6253(d); 6253.4(b))
- **The agency must provide assistance** by helping to identify records and information relevant to the request and suggesting ways to overcome any practical basis for denying access. (§ 6253.1)
- **The agency must justify the withholding of any record** by demonstrating that the record is exempt or that the public interest in confidentiality outweighs the public interest in disclosure. (§6255) **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 specific legal authorities on whom you rely.**

Since you and the BOS have knowledge of staff's wrong doing, but have failed to take remedial action, then you are complicit and liable for aiding and abetting government fraud.

If there is anything you do not understand about your lawful requirement to respond to FOIA/PRAs, then please contact me **immediately** so I can make clarifications for you.

Melody Lane

Founder – Compass2Truth

"When the Law no longer protects you from the corrupt, but protects the corrupt from you--you know your nation is doomed." ~ Ayn Rand ~

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Thursday, October 21, 2021 4:07 PM

To: Kim Dawson; edc.cob@edcgov.us

Cc: 'cc: David Livingston'; 'Donald Ashton'; 'Robert Peters'; 'Breann Moebius'; lori.parlin@edcgov.us; 'Vern R Pierson'; 'Tonya Digiorno'; bosfive@edcgov.us; 'bosfour'; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; ana.melendez@waterboards.ca.gov; Rose, David@Waterboards; andrew.nevis@waterboards.ca.gov; Amanda Ross; Andy

Nevis; John Clerici; Jon Vegna

Subject: RE: 10/14/21 Planning Commission Minutes - Missing Open Forum docs - PRA

Ms. Dawson,

The public is entitled to honest services. You are reminded that County Counsel is not your spokesperson. The fact that David Livingston diverted to Tiffany Schmid the email I had addressed to you, does not get you off the hook. You are responsible for posting the falsified 10/14/21 Planning Commission minutes, but once notified of the errors, you still failed to correct them.

It is **on record** that Andy Nevis was **not sworn in** and that there was **NO QUORUM** during the 10/14/21 meeting, yet the Commissioners unlawfully took action on all the agenda items instead of continuing it to the next scheduled meeting on 10/28. The Commissioners acted in violation of the Brown Act/Bagley-Keene Open Meeting Act, therefore it would be unlawful for the Commissioners to approve both the September 9th and the October 14th minutes during the upcoming 10/28/21 Commission meeting:

Clerk of the Planning Commission (Kim Dawson) recommending the Commission approve the MINUTES of the regular meeting of September 9, 2021. This matter was Continued to October 28, 2021 upon Approval of the Consent Calendar. Yes: 3 - Commissioner Clerici, Commissioner Vegna and Commissioner Nevis

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), you are also responsible for logging and responding to the below PRA, but you have remained deceptively silent. You are a public servant whose salary is paid for via my tax dollars; therefore you work for me and the other tax paying Citizens of El Dorado County:

*“The Oath of Office is a quid pro quo contract in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, **conspiracy** under Title 28 U.S.C., Title 18 Sections 241 and 242, **treason** under the Constitution at Article 3, Section 3, and intrinsic **fraud**...”*

Because of the breadth of federal anticorruption law, public officials, such as you, are warned to **avoid any temptation to walk closely to the line** that divides legal from illegal conduct under state law. Since Chief Counsel David Livingston, and the other public officials cc'd on this correspondence, had knowledge of wrong doing, but failed to take remedial action, then their abuse of the public trust makes them complicit and liable for aiding and abetting government corruption:

Corrupt is a word to describe an act done with intent to give some advantage inconsistent with official duty and the rights of others, and is generally undertaken for personal gain. It is commonly used to refer to unethical or dishonest character or behaviors undertaken by someone who has been entrusted with authority. Government corruption includes a variety of activities, such as the offering or accepting of bribes, extortion, and the offering of jobs or other benefits to friends or family members (called “cronyism”).

As you heard during the 10/19 BOS meeting, Public Service Ethics and the Brown Act are my areas of expertise. By your unconstitutional actions, or inaction, and failure to respond to my specific inquiries for public information, you have violated your oaths of office and committed fraud against me. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime. See: *U.S. v. Tweel*, 550 F. 2d. 297. “Silence can only be equated with **fraud** where there is a legal or moral duty to speak or where an **inquiry left unanswered would be intentionally misleading**.” See also: *Morrison v. Coddington*, 662 P.2d. 155, 135 Ariz. 480 (1983) - **Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth.** [Emphasis added] See also USC 18 § 241 and USC 18 § 242, respectively, *Conspiracy Against Rights*, and *Deprivation of Rights Under Color of Law*.

Regards,

Melody Lane

Founder – Compass2Truth

As history teaches us, if the people have little or no knowledge of the basics of government and their rights, those who wield governmental power inevitably wield it excessively. After all, a citizenry can only hold its government accountable if it knows when the government oversteps its bounds. ~ Constitutional attorney John Whitehead ~

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Wednesday, October 20, 2021 8:50 PM

To: 'Tiffany Schmid'

Cc: 'Kim Dawson'; 'cc: David Livingston'; 'Donald Ashton'; 'Robert Peters'; 'Breann Moebius'; lori.parlin@edcgov.us; Vern R Pierson; Tonya Digiorno; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: RE: 10/14/21 Planning Commission Minutes - Missing Open Forum docs - PRA

Ms. Schmid,

Thank you for acknowledging at 5:59 PM today that you are indeed receiving my emails. I was under the impression Don Ashton had added you to the list of **public servants** that he unlawfully ordered Tonya Digiorno to block my ability to correspond electronically.

Since it is apparent you've been receiving my correspondence, there is no need for me to resend any unanswered emails. You had sufficient opportunity to respond, via your own notarized affidavit, to any of the claims and averments that you disagreed with in the Affidavit/Declaration received by you on September 27, 2021. Your failure to respond, as stipulated, was your tacit agreement with and admission to the fact that everything in that Affidavit/Declaration is true, correct, legal, lawful, and is your irrevocable admission attesting to this, fully binding upon you in any court of law in America, without your protest, objection and that of those who represent you.

Regards,

Melody Lane

Founder – Compass2Truth

~ By identifying the people's sovereign will not with its latest but its oldest expression, the Framers succeeded in identifying the people's authority with the Constitution, not with the statutory law made by their representatives. ~

From: Tiffany Schmid [mailto:tiffany.schmid@edcgov.us]

Sent: Wednesday, October 20, 2021 3:19 PM

To: Melody Lane

Cc: Kim Dawson; cc: David Livingston; Donald Ashton; Robert Peters; Breann Moebius

Subject: Fwd: 10/14/21 Planning Commission Minutes - Missing Open Forum docs - PRA

Good afternoon Ms. Lane,

I am unable to locate any unanswered emails from you. If I have missed responding to an email from you, please resend the email and I will do my best to provide you with the requested information.

The documents you submitted during the open forum of the October 14, 2021 Planning Commission Meeting have been attached to Legistar Item 21-1712 and can be viewed at the following link:

<https://eldorado.legistar.com/LegislationDetail.aspx?ID=5189971&GUID=B971DCF5-7FBC-4466-95C4-3C7ECAE18216>

For your convenience, I have also attached the Draft Minutes from the October 14, 2021 Planning Commission Meeting.

Sincerely,

Tiffany Schmid

Director, Planning and Building Department

County of El Dorado

Planning and Building Department

2850 Fairlane Court

Placerville, CA 95667

(530) 621-5132

tiffany.schmid@edcgov.us

----- Forwarded message -----

From: **Melody Lane** <melody.lane@reagan.com>

Date: Tue, Oct 19, 2021 at 10:41 AM

Subject: 10/14/21 Planning Commission Minutes - Missing Open Forum docs - PRA

To: Kim Dawson <Kim.Dawson@edcgov.us>, <edc.cob@edcgov.us>, Amanda Ross <aross@edcgov.us>, Andy Nevis <andy.nevis@edcgov.us>, John Clerici <john.clerici@edcgov.us>, Jon Vegna <jvegna@edcgov.us>

CC: <lori.parlin@edcgov.us>, <sue.novasel@edcgov.us>, <george.turnboo@edcgov.us>, <john.hidahl@edcgov.us>, <wendy.thomas@edcgov.us>, <joseph.carruesco@edcgov.us>, Breann Moebius <breann.moebius@edcgov.us>, <david.livingston@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>, Rose, David@Waterboards

<David.Rose@waterboards.ca.gov>, <ana.melendez@waterboards.ca.gov>, <andrew.nevis@waterboards.ca.gov>, Richard Esposito <resposito@mtdemocrat.net>, <bosfive@edcgov.us>, bosfour <bosfour@edcgov.us>, <bosone@edcgov.us>, <bosthree@edcgov.us>, <bostwo@edcgov.us>

Ms. Dawson,

The public is entitled to honest services. Please provide your explanation to each of the following:

1. The 10/14/21 Planning Commission agenda lists Tiffany Schmid as **Executive Secretary**. It is my understanding Ms. Schmid's title is **Director of Planning and Development Services**. Therefore I prepared my public comments anticipating that Tiffany would be taking minutes during Thursday's Planning Commission meeting. Instead Deputy Director Rob Peters was present, and you were responsible for the taking the minutes. Ms. Schmid hasn't responded to any of my correspondence concerning Planning issues in quite some time, nor has Supervisor Parlin been responsive to related issues affecting Coloma residents that, by law, are required to come before the Planning Commission. Has Tiffany Schmid changed positions, or terminated her employment with EDC? If so, what was the effective date of her change in status/termination of employment? Pursuant to your oaths of office, and in the interest of public transparency, if there is some other reason for Ms. Schmid's absence/silence, please so indicate.

*Jon Vegna, Chair, District 1
Amanda Ross, Second Vice Chair, District 5
Vacant, District 2
John Clerici, Member, District 3
Andy Nevis, District 4*

*Vacant, Clerk of the Planning Commission
Tiffany Schmid, Executive Secretary
Breann Moebius, Deputy County Counsel*

Thursday, October 14, 2021

8:30 AM

Building C Hearing Room
2850 Fairlane Ct.
Placerville, CA 95667
or live-streamed

2. Why were the attached documents that I submitted to you during 10/14/21 Open Forum not included in the posted minutes as customary and required by law?

PUBLIC FORUM / PUBLIC COMMENT

Public Comment: M. Lane, L. Parlin, J. Williams, J. Davey, S. Taylor, K. Lishman

3. Only three Commissioners were present for the 10/14/21 Planning Commission meeting – John Clerici, Jon Vegna, and Andy Nevis. Chairman Vegna announced at the beginning of the meeting that Andy Nevis had not been sworn in, consequently there failed to be a quorum which was confirmed by Breann Moebius. Per CA Government Code SECTION 1360-1369, Commissioners must be sworn in **BEFORE** they assume their duties. Per the Brown Act, lack of a quorum meant the meeting could not lawfully proceed. The meeting should have been rescheduled *after* the public was given opportunity to provide input on the posted agenda items. Why were those important facts eliminated from the minutes?

ADOPTION OF AGENDA AND APPROVAL OF THE CONSENT CALENDAR

(All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

A motion was made by Commissioner Clerici, seconded by Commissioner Nevis to Adopt the Agenda and Approve the Consent Calendar with the following change:

Continue item 1 to October 28, 2021.

Yes: 3 - Commissioner Clerici, Commissioner Vegna and Commissioner Nevis

Absent: 1 - Commissioner Ross

CONSENT CALENDAR

1. 21-1553 Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of September 9, 2021.

This matter was Continued to October 28, 2021 upon Approval of the Consent Calendar.

Yes: 3 - Commissioner Clerici, Commissioner Vegna and Commissioner Nevis

Absent: 1 - Commissioner Ross

4. Prior to the meeting commencing, **Supervisor Lori Parlin** conducted a pow-wow of the following individuals audibly discussing how the meeting was to proceed: **Jon Vegna, James Williams, Gary Miller, John Clerici, and an unidentified woman** with long dark hair wearing a red jacket. Per the Brown Act, a majority of a decision-making body *cannot meet and discuss agency business* except at an open and fully noticed meeting. Supervisor Parlin's dog and pony show clearly violated the Brown Act. Please identify the woman in red, and her role, who was apparently coaching Deputy Director Rob Peters in the upper left corner of this screenshot:



5. It was confirmed that Andy Nevis was not sworn in, and that there was no 10/14/21 quorum. However Mr. Nevis reported the following which was unrelated to the business of the body, and apparently for the benefit of Supervisor Parlin who was present. Per Fair Process Laws, all public officials are required to *“exercise their powers free from personal bias including biases that have nothing to do with financial gain...an elected official has a fiduciary duty to exercise the powers of office for the public good and is not permitted to use those powers for the benefit of private interests.”*

Commissioner Nevis reported on the following:

Thanked former Planning Commissioner Williams for the assistance during the transition.

Thanked staff for the assistance provided and he is looking forward to working with everyone.

On September 30, 2021, there was a meeting of the State Parks and Recreation Commission where they discussed the Auburn State Recreation Area General Plan. The Commission adopted the General Plan, however there will be amendments to it.

Mt. Murphy Bridge in Coloma has been reopened with restrictions.

Supervisor Parlin and the Department of Transportation will be having a meeting next Wednesday at 6:00 P.M. utilizing Zoom to address public concern and future plans for the bridge.

It is significant that Supervisor Parlin has witnessed Mr. Nevis censoring me during several Taxpayers Association meetings when I've challenged his unlawful actions, *in particular those related to the Mt. Murphy Bridge and related Planning/Development issues that are required to come before the Planning Commission.*

(See the attached 10-14-21 PC Public Comments.) Per the Institute of Local Government, “*Because of the breadth of federal anticorruption law, public officials are warned to avoid any temptation to walk closely to the line that divides legal from illegal conduct.*” Lori Parlin, Andy Nevis, and other public officials, such as yourself, have crossed that line on multiple occasions.

In light of the aforementioned **facts**, it was apparent that the entire 2-hour Planning Commission meeting, and the hearing outcomes, were unethically predetermined beforehand. In the interest of public transparency and good governance, I therefore request that you **please identify the person(s)** responsible for authorizing the 10/14/21 Planning Commission meeting to proceed *outside of the law*.

****If you determine that some but not all of the above information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the specific legal authorities on whom you rely. If you have any questions, please do not hesitate to contact me immediately.**

Thank you for your prompt and comprehensive response to this request for public information.

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.”

DAVID A. LIVINGSTON | County Counsel
County of El Dorado
330 Fair Lane | Placerville, CA 95667
Office 530.621.5770 | Fax 530.621.2937
david.livingston@edcgov.us | www.edcgov.us

From: Kim Dawson [mailto:kim.dawson@edcgov.us]
Sent: Wednesday, November 17, 2021 12:39 PM
To: Melody Lane
Subject: Re: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointment to Planning Commission

Yes, I received your email. Thanks, Kim

On Tue, Nov 16, 2021 at 9:23 AM Melody Lane <melody.lane@reagan.com> wrote:

Please ensure the entirety of this correspondence is entered into the public record.

Melody Lane

Founder – Compass2Truth

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From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Monday, November 15, 2021 4:53 PM
To: edc.cob@edcgov.us; george.turnboo@edcgov.us; david.livingston@edcgov.us
Cc: 'Donald Ashton'; bosfive@edcgov.us; bosfour@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Amanda Ross; Andy Nevis; John Clerici; Jon Vegna
Subject: FW: 11/16/21 BOS - Please pull #47 from Consent for public discussion and post via Legistar

Why was this item not publicly posted via Legistar as requested???

Melody Lane

Founder – Compass2Truth

As history teaches us, if the people have little or no knowledge of the basics of government and their rights, those who wield governmental power inevitably wield it excessively. After all, a citizenry can only hold its government accountable if it knows when the government oversteps its bounds. ~ John Whitehead ~

From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Monday, November 15, 2021 9:03 AM
To: edc.cob@edcgov.us; george.turnboo@edcgov.us
Cc: todd.white@edcgov.us; lori.parlin@edcgov.us; wendy.thomas@edcgov.us; sue.novasel@edcgov.us; john.hidahl@edcgov.us; 'Donald Ashton'; bosfive@edcgov.us; bosfour@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us
Subject: 11/16/21 BOS - Please pull #47 from Consent for public discussion and post via Legistar

Please pull item #47 from Consent for public discussion and ensure the entirety of this correspondence is timely distributed and posted to Legistar – **Objection to Kris Payne appointment to Planning Commission.**

The attached documents speak volumes with respect to the cronyism within the Taxpayers Association whose directors are illicitly using the Association for their personal political agendas. This morning's Taxpayers meeting was no exception when Andy Nevis again CENSORED me and Kris Payne made a point to announce his appointment as District #2 Planning Commissioner.

Kris Payne has consistently demonstrated his inability to abide by the Brown Act and his oath of office. Furthermore, the Planning Commission is incapable of unbiased decisions, adherence to the EDC Core Values, ethics, or Good Governance policy.

Melody Lane

Founder – Compass2Truth

As history teaches us, if the people have little or no knowledge of the basics of government and their rights, those who wield governmental power inevitably wield it excessively. After all, a citizenry can only hold its government accountable if it knows when the government oversteps its bounds. ~ John Whitehead ~

From: Melody Lane [mailto:melody.lane@reagan.com]

Sent: Wednesday, October 27, 2021 5:14 PM

To: george.turnboo@edcgov.us

Cc: lori.parlin@edcgov.us; sue.novasel@edcgov.us; john.hidahl@edcgov.us; wendy.thomas@edcgov.us; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: Ineligibility of Candidate Kris Payne for Dist. #2 Planning Commissioner

Hello George,

The attached un rebutted Affidavit of Truth addressed to Kris Payne should speak volumes about his ineligibility to be considered for the position of District #2 Planning Commissioner. This correspondence is not meant to disparage Kris. It is simply to remind you of your fiduciary obligation to examine the facts and take the evidence into consideration when appointing any candidate to serve as your district representative.

The corresponding notification of legal responsibility addressed to former Supervisor Brian Veerkamp provides additional evidence of government malfeasance. During our audio recorded meeting on February 26, 2020 Brian acknowledged Kris' mental health issues resulting in the termination of Mr. Payne's employment with the County of El Dorado.

More recently, on 7/20/21 David Livingston will recall Kris Payne joining our conversation *uninvited* during a recess at the rear of the BOS chambers. That's when Kris openly talked about his mental health issues with *total strangers* resulting in the termination of his county employment. That conversation was also captured on audio.

Additionally, Supervisor Lori Parlin witnessed Kris Payne's emotional outburst during the 10/11/21 Taxpayers meeting when I confronted him for his inappropriate conduct relative to Lori's appointment of Andy Nevis to the Planning Commission. Kris has a habit of interrupting and talking over people; even Steve Ferry has had to correct him about this on numerous occasions.

Lori (and several others) witnessed another one of Kris's inappropriate outburst after the 10/18/21 Taxpayers meeting when Robert D'Agostini was the guest speaker. I approached Kris from behind tapping him on the shoulder to get his attention, when Kris shouted, "*Did you touch me? Did you just TOUCH ME? DID YOU JUST TOUCH ME?! You're being a bully! Andy! Andy! Melody is harassing me!*" Kris made quite a

scene. At that point it was necessary for me to remind Kris to take his medications. Both instances of Kris's inappropriate behavior were captured on my personal audio.

Kris Payne has clearly demonstrated that he is unstable. Kris has acknowledged he has issues requiring medications, and the affidavits confirm that he is an unsuitable candidate for District #2 Planning Commissioner, or any other appointment to a public position.

Regards,

Melody Lane

Founder – Compass2Truth

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Kim Dawson
Clerk of the Board of Supervisors
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330 Fair Lane, Building A
Placerville, CA 95667
(530) 621-5393
kim.dawson@edcgov.us