

## Board of Supervisors a Lawless Regime

July 29<sup>th</sup> 2014 on Item 28 the El Dorado County BOS crossed the line into absolute despotism by denying the people the right to vote on the Yellow Petition, "Restore Measure Y – No More Paper Roads". They violated the 1<sup>st</sup> Amendment right to free speech and right of the people to petition the government for redress of grievances, in addition to violating the 14<sup>th</sup> Amendment right to equal protection under the law. Arguably, the BOS also violated the 9<sup>th</sup>, 10<sup>th</sup>, and 26<sup>th</sup> Amendments.

But they didn't stop there. The BOS also violated the County Code of Ethics codes #1,2,5,7,9,11 and 12. Supervisor Briggs even failed to disclose that his son worked on the campaign of a competing measure brought by Region Builders (pink petition) who, along with Bill Center, Jim Moore, and Howard Penn (blue petition) conspired together to crush the Yellow Petition before the people had a chance to choose. Supervisor Briggs, Veerkamp and Mikulaco supported this conspiracy, Supervisor Santiago did not.

Let's not mince words here – these named people crushed the right of the people in this county to vote on a petition that almost 10,000 registered voters signed. Those signatures were gathered by volunteers, not paid liars who said one thing then switched petitions as you signed. The Board knew it and on May 13, 2014 officially recognized this activity. What other actions did the board take?

On April 25, 2014 LVC-EDC (citizen sponsors of "Restore Measure Y") asked the Sheriff's Office and the District Attorney to investigate complaints from citizens regarding Region Builders paid petition gatherer's activities.

On May 13, 2014 the BOS ordered reports so that there would be no delays when the signatures were certified and the propositions were ready for the ballot.

On June 10, 2014 the BOS received both competing propositions and put them on the ballot without ordering a 30-day report. The BOS

assured the public that the "Restore Measure Y" petition would receive the same process when they received it.

On July 29, 2014 the BOS put another measure on the ballot (green petition) as promised. However, despite continuing dialog, previous official actions and prior promises to the public, they voted to require a 30-day report for the Restore Measure Y petition, effectively crushing it for the 2014 election. Why? Because it would effectively limit their despotic power and reign in the uncontrolled urban sprawl creating a traffic nightmare throughout our County. It would also hurt their development interests and developer friends. Big money and regional, even national expansionist plans are at stake here.

For months now I and others have been bringing physical and audio evidence of corrupt county contracting practices to the Board of Supervisors for corrective action. Not one iota of interest has been received, not one corrective action taken. I and others have pointed out items on the agenda identified by staff as illegal and requested corrective action, only to be ignored.

On August 5, 2014 many people asked the BOS to reconsider their actions and let the people decide – let the rule of law exist in El Dorado County – on the "Restore Measure Y" proposition. They refused. In fairness Supervisor Santiago tried but was unable to help. I again, during nearly the last item of business directly named and challenged Supv. Mikulaco, Veerkamp, and Briggs. I named the Constitutional principles, read the Ethics Code, pleaded with them one more time to reconsider, yet once again they refused.

This is the face of Fascism. When our elected officials are no longer public servants, but rulers. When our democratic process has been completely suppressed. When our Bill of Rights has been totally denied. When the BOS passes laws shown to be illegal. When those who are supposed to protect the people instead act to deprive them of life, liberty, and property. When they refuse to correct corrupt practices when proof is brought to them in the public square. When they violate their own

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ethics policies yet brazenly stand untouched by the law, let us face the facts and realize that we have lost control of our local government.

In summary, three of our four Supervisors voted to suppress free speech, the right to vote, and the right of the people to petition our government. It doesn't get any more basic than that.

The real question is: What are we the people going to do about it?

Mark E. Smith  
Garden Valley

Attachments:

1. This document, 3 pages

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## CALIFORNIA PUBLIC RECORDS ACT REQUEST

8/12/2014

At the 7/22/2014 meeting County Counsel Ed Knapp, in offering clarification to the Board after a reading of **Agenda Item 25**, stated there is a 30-day report under the Elections Code, “but the Board has decided this is not an Elections Code Report at this point” . . .

Previously, at the May 13, 2014 meeting, **Agenda Item 43**, he had stated, “You want an informational only [report] and you want that under the auspices of Elections Code 9111(a) (8).”

It appears that the nature of the requested report changed between May 13<sup>th</sup> and July 22<sup>nd</sup>.

Having stated the Board had first asked for a report under 9111(a) (8), (May 13) then indicating it had “decided this is not an Elections Code Report” (July 22) please provide the documentation which records when and where the referenced 7/22/2014 “decision” was made.

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