

The public has a right to know that Andy Nevis, Kris Payne, Todd White, and Supervisors Lori Parlin and George Turnboo are unlawfully using the Taxpayers Association for their own political purposes in violation of AB1234 and their sacred oaths of office. If the Mountain Democrat was truly committed to **honest journalism**, then perhaps the public wouldn't be so clueless about El Dorado County corruption, and citizens would be better prepared to vote intelligently.

As John Adams said, "Facts are stubborn things." Unrebutted affidavits addressed to Planning Commissioners Kris Payne and Andy Nevis demonstrate that they admit to all the claims and averments contained within their notifications of legal responsibility which stand as truth before any court in America.

Andy and Kris have arrogantly been using the Taxpayers Association as a bully pulpit for their own political objectives. It is no secret they have colluded with other public officials to censor me--a third generation evangelical--and deprive me the blessings of freedom.

Additionally Todd White and Sheriff D'Agostini's affidavits contain factual evidence of their collusion in EDC corruption. Andy's contains the notarized affidavit of Lori Parlin pertaining to Al Hamilton's threat made against me during a Taxpayers Association meeting. Former Supervisor Jack Sweeney also threatened me which has been entered into the public record. CAO Don Ashton has received three affidavits and Sheriff D'Agostini has received two affidavits containing factual evidence of his collusion with staff to deprive me of my **First and Second Amendment** rights under color of law, which are federal offenses under USGC Title 18, Sections 241 & 242.

All Planning Commissioners, in addition to Breanne Mobieus and David Livingston, have been copied on [this correspondence] that I'm entering into the public record today. It is information the public has a right to know, but apparently County Counsel has given the Clerk of the Board a directive to obstruct my Public Record Act requests and petitions for redress of grievances which represents yet another violation of my civil rights. There is also the matter of regular Brown Act violations.

Ms. Mobieus, I understand that you are leaving the county at the end of the month, but that does not exempt you from culpability. The public is entitled to honest services. Whether on the job or off duty, **all** the aforementioned individuals are still

representatives of EDC. As such, they are required to abide by the EDC Personnel Rules and their Constitutional oaths of office.

Pursuant to my rights under section 54954.2(a) of the Brown Act, if any of you have any questions or comments, then please make them now while I'm at the podium.

Your silence is your acquiescence. Refer to 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.*"

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

- 1) This transcript
- 2) 12/3/21 email to Esposito @ 10:49 AM re: PC corruption/articles
- 3) 12/7/21 email to Ashton re: BOS Open Forum @ 9:08 PM
- 4) *Brown Act Rights of the Public*

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

Sent: Friday, December 3, 2021 10:49 AM

To: Eric Jaramishian; Richard Esposito

Cc: Noel Stack; Krysten Kellum; george.turnboo@edcgov.us; lori.parlin@edcgov.us; david.livingston@edcgov.us; Vern R Pierson; ana.melendez@waterboards.ca.gov; Rose, David@Waterboards; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: FW: Planning Commission - El Dorado County corruption

Mr. Esposito,

For some reason Eric's email bounced back. Attached are the factual documents. Please ensure Eric receives this email and ensure his commitment to *truthful journalism*. If he has any questions, he knows how to reach me.

The public is entitled to honest services. It should interest you to know that the County is no longer acknowledging Public Record Act requests for information and other constituent correspondence, nor are they lawfully abiding by the Brown Act. Check out the documents submitted to COB Kim Dawson during the 11/18/21 Planning Commission Open Forum when Jack Sweeney, whom I referred to, was in the audience. Below is an excerpt from my public comments:

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.

Regards,

Melody Lane

Founder – Compass2Truth

"Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle... Perhaps an editor might begin a reformation in some such way

as this. Divide his paper into four chapters, heading the 1st, Truths. 2d, Probabilities. 3d, Possibilities. 4th, Lies. The first chapter would be very short." - Thomas Jefferson, 1807

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

Sent: Thursday, December 2, 2021 4:53 PM

To: Richard Esposito; Noel Stack; Krysten Kellum; Eric Jaramishian

Cc: lori.parlin@edcgov.us; george.turnboo@edcgov.us; wendy.thomas@edcgov.us; john.hidahl@edcgov.us; sue.novasel@edcgov.us; todd.white@edcgov.us; david.livingston@edcgov.us; Breann Moebius; Vern R Pierson; Sheriff D'Agostini; andrew.nevis@waterboards.ca.gov; ana.melendez@waterboards.ca.gov; Rose, David@Waterboards; 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Amanda Ross; Andy Nevis; John Clerici; Jon Vegna

Subject: Planning Commission - El Dorado County corruption

Mr. Esposito, et al,

You will recall when Dr. Dale Smith and I met with you on two occasions in 2010 regarding the blatantly false representations made by Mountain Democrat reporter Chris Daley. Dr. Smith was a consultant and an executive director of Californians Aware, a legal organization whose expertise is the Brown Act. At the time we shared about the harassment and threats made against me by members of the notoriously liberal River Management Advisory Committee (RMAC) for exposing their Brown Act violations. During one such audio recorded RMAC meeting Dr. Smith literally laid down the law on the table causing two RMAC appointees, Dave Martinez and Martin Harris, to resign soon thereafter. The individual who sexually assaulted and stalked me, necessitating I obtain a restraining order against him, was also present at that meeting using the occasion to harass me. When served with the TRO, he refused to relinquish his guns as required by law. **(See attached AOA letter)**

The below article appeared in Monday's Mountain Democrat underscores how the Taxpayers Association, in conjunction with Sheriff D'Agostini and other EDC public officials, operate outside the law for their own political purposes resulting in a gross abuse of the public trust, no thanks to the media's assault on **truthful journalism**. This is nothing more than a political dog and pony show orchestrated to launch Andy Nevis' political aspirations:

<https://www.mtdemocrat.com/news/forum-to-discuss-homeless-shelter-program-options/>

Speakers will include **Sheriff John D'Agostini** and **Chief Administrative Officer Don Ashton**. Assemblymember Kevin Kiley will provide his perspective on homeless issues at the state level. **Other elected and appointed officials** have also been invited. The forum will be moderated by **Taxpayers Association President Andy Nevis**.

Planning Commissioners **Andy Nevis** and **Kris Payne** were recently appointed by the BOS to replace Cheryl Bly-Chester and James Williams. However the Mountain Democrat reporter Eric Jaramishian grossly misrepresented key elements in the below articles which were evidently prepared by county staff:

<https://www.mtdemocrat.com/news/supes-remove-planning-commissioner-bly-chester/>

<https://www.mtdemocrat.com/news/new-district-4-planning-commissioner-appointed/>

<https://www.mtdemocrat.com/news/taylor-denied-planning-commissioner-position/>

<https://www.mtdemocrat.com/news/payne-named-district-2-planning-commissioner/>

During the August 31st hearing to remove Cheryl Bly-Chester, I gave public testimony about George Turnboo and Lori Parlin as two of the 14 individuals who met with the FBI concerning EDC corruption. I personally participated in 8 meetings where I presented notarized affidavits to the FBI along with other evidence of EDC corruption. The core of the issues being discussed that day pertained to Brown Act violations and other unlawful acts by Planning Commissioners. Thankfully Ms. Bly-Chester had the courage to challenge and

expose their unlawful conduct. One need only watch the first 25 minutes of the April 22nd Planning Commission meeting to glean what she was referring to during her testimony. Of particular interest was the threat made by three members of staff—David Livingston, Breann Mobius and one other attorney—that they would quit if Ms. Bly-Chester was not removed from the Planning Commission. While the heated BOS exchange continued, Eric Jaramishian approached and silently handed me the below note:

8/31/21 BOS #43
Cheryl Bly-Chester

I'd like to
speak to you. Ran out
of business cards.

559-269-1390

Eric, Mountain
Democrat

However when the August 31st hearing adjourned, Eric was suddenly very aloof and reticent to speak with me or Ms. Bly-Chester. In fact, he never returned my phone call the next day. It was apparent by his frequent visits to the rear of the room that staff had given Eric the heads up not to speak to me.

It wasn't until the packed November 16 BOS meeting that I had the occasion to speak with Eric who was seated at the back of the room in my row. Before the Resolution to Return to Normal Education item began, at least 8 other people heard our exchange when I asked Eric why he didn't want to speak with me only minutes after he'd handed me the note about the Cheryl Bly-Chester fiasco. Eric replied, "***I had all the data I needed.***" That remark drew gasps as all eyes focused on him. Moments later Eric changed seats to another part of the room.

Yeah, sure. The government, working in conjunction with the MSM, will "*decide what is good for the people to know and what is not good for them to know.*" That isn't honest journalism; it is aiding and abetting outright totalitarianism-Marxism.

As John Adams said, "Facts are stubborn things." It would behoove you to thoroughly read the attached Affidavits of Truth. Note especially the affidavits addressed to Andy Nevis and Sheriff D'Agostini. Andy's contains the notarized affidavit of Lori Parlin pertaining to Al Hamilton's threat made against me during a Taxpayers Association meeting (attached). Supervisor Jack Sweeney has also threatened me which is a matter of public record. CAO Don Ashton has received three affidavits. Sheriff D'Agostini has received two affidavits containing factual evidence of his collusion with staff to deprive me of my **First and Second Amendment** rights under color of law, which are federal offenses under USGC Title 18, Sections 241 & 242.

The public also has a right to know that Andy Nevis, Kris Payne, Todd White and Lori Parlin, working in conjunction with other public officials, are unlawfully using the Taxpayers Association for their own political purposes in violation of AB1234 and their sacred oaths of office. If the Mountain Democrat was truly committed to honest journalism, then maybe the public wouldn't be so clueless about El Dorado County corruption, and they would be better prepared to vote intelligently for a change.

These notifications of legal responsibility are the first essential of due process of law, and an un rebutted affidavit stands as truth before any court in America. Full copies of the affidavits, including exhibits, have been entered into the public record and are available upon request.

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."

Melody Lane

From: Melody Lane <melody.lane@reagan.com>
Sent: Tuesday, December 7, 2021 9:08 PM
To: 'Donald Ashton'; david.livingston@edcgov.us
Cc: lori.parlin@edcgov.us; george.turnboo@edcgov.us; sue.novasel@edcgov.us; john.hidahl@edcgov.us; wendy.thomas@edcgov.us; todd.white@edcgov.us; Karl Weiland; Richard Esposito; Noel Stack; Eric Jaramishian; Krysten Kellum; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Amanda Ross; Andy Nevis; John Clerici; Jon Vegna
Subject: 12/7/21 BOS Open Forum - Public Comments
Attachments: 11-22-21 TP conv transcript-Turnboo meeting.docx; 12-7-21 Open Forum Turnboo Txpyrs censorship.docx; ML Affidavit_ Todd White.docx

Mr. Ashton, et al,

Below are my public comments made during today's BOS Open Forum. For the record, your remarks afterwards were inappropriate and a total fallacy about the Taxpayers Association not being the within the pervue of the BOS. (Refer to the attached documents.)

Todd White, Kris Payne and Andy Nevis are public servants who happen to be executive directors of the Association. **Lori Parlin, John Hidahl and Karl Weiland** are elected officials and members of the Association who have witnessed the frequent censoring, outright hostility, discrimination, fraud, and abuse of the public trust. **Gay Willyard** is another hostile appointee of **George Turnboo**. Additionally there is also the issue of Conflict of Interest which is against the Association Bylaws.

Although the public is welcome, Todd White's vulgarities and unethical conduct make it impossible to interact with Supervisors George Turnboo and Lori Parlin who apparently endorse Todd's silent treatment. As you are aware, this was also the modus operandi of Al Hamilton and former Supervisor Jack Sweeney who are on record for threatening me.

Whether on the job or off duty, all the aforementioned individuals are still representatives of EDC. As such, they are required to abide by the County of El Dorado Personnel Rules and their Constitutional oaths of office:

*"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 conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. It is my Right and 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.

Regards,

Melody Lane

Founder – Compass2Truth

"Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle... Perhaps an editor might begin a reformation in some such way as this. Divide his paper into four chapters, heading the 1st, Truths. 2d, Probabilities. 3d, Possibilities. 4th, Lies. The first chapter would be very short." - Thomas Jefferson, 1807

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Luke 8:17 – For nothing is secret that will not be revealed, nor *anything* hidden that will not be known and come to light.

Propaganda has become steadily more oppressive where citizens are tempted to believe whatever our media and government hierarchy tell them. Ten years ago, we would have been shocked and outraged by the very idea of censorship, but I'm afraid we've all become acclimated to cruelty and injustice by being exposed to it in steadily increasing doses throughout the years, no thanks in part to the Mountain Democrat and this BOS.

For example, after the November 29th Taxpayers Association meeting I approached George Turnboo and asked him if he was willing to step outside to talk privately:

George responded, *"Well, as long as it's not controversial, that's fine."*

I asked, *"What do you deem controversial?"*

George replied, *"Talking about my assistant or my Planning Commissioner."*

I then asked, ***"Has County Counsel advised you NOT to speak with me and certain other individuals?"***

George revealed, ***"...there has been some staff that I know of that's been said, but I can't talk about it. OK?"***

On another issue, *"Just to be clear, George, you NEVER SENT ME AN EMAIL. That is a fallacy. There was NO response. I was stood up!...Your assistant, in this room, called me a f***ing bitch. He's refused to give me any of the materials that I, as a member since 2008 of this organization, that I am entitled to. I've been deprived the benefits of membership. That's fraud...There's so much crap going on, and your assistant is a big part of the corruption that is going on right here in this organization."* George replied, *"Well, let me...let me reach out to you. We'll set an appointment and I'll meet with you. OK?"*

For the second time I never heard from George or Mark Treat about scheduling another meeting. In other words, I was **lied to** by a pastor and public servant whose admin, Todd White, is the chairman of the Republican Central Committee. The RCC holds their monthly meetings at Park Community Church where Todd is an elder.

The church is just as much a part of the problem for turning a blind eye and deaf ear to the scriptural warnings. Proverbs 6 declares a proud look, a lying tongue, a heart that devises wicked plans, feet that are swift in running to evil, a false witness *who* speaks lies, and one who sows discord among brethren to be abominations. Jesus described them as wolves in sheep's clothing, hypocrites and a brood of vipers, and that sure describes this BOS.

The heart of the problem is lack of adherence to Good Governance, core values of excellence of service, transparency, and accountability to your sacred oaths of office. This is information the public

has a right to know if they are ever going to vote intelligently and change the tide of government tyranny.

George, you professed to serve God first and your constituents second. The evidence is right here in [this transcript] and corresponding documents being entered into the public record. You are either part of the problem, or part of the solution. It would be wise for you to spend more time studying your Bible, and less time listening to the bad advice of County Counsel.

Rebellion to tyrants is obedience to God. So where do you stand George? Are we going to meet or not? (Silence)

George, your silence speaks volumes about your lack of commitment to your oaths of office, to your constituents, and to God.

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

- 1) This transcript
- 2) 11/22/21 Taxpayers Turnboo transcript
- 3) 12/3/21 Esposito/Eric Jaramishian email @ 10:49 AM

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).)



PC 12-9-21
Planning Department <planning@edcgov.us>
Open Forum

Comments on Item #5 and Open Forum

1 message

8 pages

Sue Taylor <sue-taylor@comcast.net>

Mon, Nov 29, 2021 at 9:56 AM


To: "Clerici, John" <john.clerici@edcgov.us>, "Nevis, Andy" <andy.nevis@edcgov.us>, "Ross, Amanda" <aross@edcgov.us>, "Vegna, John" <jvegna@edcgov.us>, "planning@edcgov.us" <planning@edcgov.us>, Kris Payne <krispayne999@gmail.com>

Planning Commission,

I've attached comments for open forum and a comment for #5. Please attach to the agenda of 12-9-21.

Thank you,
Sue Taylor

2 attachments

 **Re_ 12-9-21 Item #5.pdf**
304K

 **Re_ 12-9-21 Open Forum & Item #4.pdf**
458K

11/29/2021

Re: Planning Commission Meeting for December 9th, 2021:

First, I ask that moving forward that the Chair of the Commission restrain other Commissioners from making personal derogatory comments regarding the public and comments made by the public. There seems to be one Commissioner in particular that whispers to the chair during the hearings, rolls his eyes, and makes other gestures while others are talking, and then rather than discussing a particular item being discussed, spends more time explaining why the Commission cannot vote no on an item and then proceeds to dismiss public comments when the public no longer has the opportunity to respond. If the Chair of the Commission is going to allow this type behavior, then the Chair needs to allow the public the time to defend their comments.

I also request the Planning Commissioners to familiarize themselves with the County zoning ordinances, the 2004 General Plan, the Brown Act, State Law being referred to when using it to take action, and to do the research on each of the projects coming before the Commission for a vote.

Thankyou,

Sue Taylor

The following is historical information and a comment on #4 that should be hopefully be helpful to the Planning Commission moving forward:

Regarding Item #4 on the Agenda:

On item #4, 21-1899: I approve of the action to clean up the zoning and the land use designation on these parcels. It's too bad this was not the process taken on the other 36,980+ parcels that were changed without public input, as should have taken place, as promised, when the 2004 General Plan was voted into adoption.

On that note, I do object to the statement in the Staff Report within item #4 regarding the TGPA-ZOU that says "The update was needed so that the Zoning Ordinance would be consistent with the provisions of the General Plan's goals, objectives, policies, and implementation measures, **as mandated by state law** (Government Code Section 65860)."

This premise was challenged, throughout the Land Use Programmatic Plan Update (LUPPU) or later called Targeted General Plan Amendment – Zoning Ordinance Update (TGPA-ZOU) process, by asking for the county to state the actual policy that was in violation and what was actually mandated by the State. Initially, Kim Kerr stated that the General Plan was in violation with SB375. When directly challenged at the meeting in Cameron Park to introduce LUPPU, Kim Kerr admitted that SB375 was not a requirement, it was only a recommendation. The county later quoted Government Code Section 65860 as the reason for the major zoning change of over 37,000 parcels. When challenged on this statement and asked what was specifically inconsistent, the County stated that the General Plan WAS in compliance with State Law. The County then ignored the policies listed in the General Plan that do allow for zoning to be inconsistent, and also ignore, then and now, that when that inconsistency is being corrected, the legal authority must follow

19 criteria listed in the General Plan. Lastly, the County ignored the public pleads to consider changing General Plan designations rather than changing the zoning when the General Plan Land Use designation was not compatible with the 19 criteria to change the zoning. The General Plan Land Use was changed during the TGPA-ZOU for those that were favored during the process, but then ignored for those from private not so-called favored property owners, basically showing that the County could legally change the General Plan Land Use Designation rather than the zoning.

Most of the current Planning Staff and the Planning Commissioners are new since these actions took place and therefore are not privy to the history. My reason for laying this out in the record, is that if the county continues to misconceive the public that the TGPA-ZOU was mandated by the State, then that untruth will be fused into the history books and repeated by those making future decisions regarding our zoning policies. I would hope that this Commission instead of parroting the quote that "the State is making us do this", that the Commission actually review the law in which they assume that is the case.

As stated to the County in 2015 for the FEIR:

"Staff states throughout the FEIR that zoning consistency is required by State law, and that the County is meeting that requirement in the ZOU. However, staff is ignoring the fact that the courts defer to counties to interpret their own general plan policies for consistency, as long as the interpretation is not arbitrary and capricious. Policies 2.2.5.2 and 2.2.5.6 can be interpreted as a means for consistency between the General Plan and the Zoning Ordinance.

The County could apply 2.2.5.2, which allows the County to modify the land use map, or the County could apply 2.2.5.6, which allows the zoning to be inconsistent with the land use until the infrastructure is in place to accommodate a higher-density zone district. Aside from these 2 policies that maintains a valid General Plan, Policy 2.2.5.3 lists the criteria to consider for rezoning parcels and must be adhered to for environmental review. By allowing County Staff to determine how to change each property owners zoning district, reviewing criteria for consistency is being side-stepped and thus violating the required environmental review."

The history of the TGPA-ZOU is that this overhaul was planned by the developers and our El Dorado County Chamber to take place soon after the 2004 General Plan was adopted. I know since I sat at the meetings with these folks in which this was all conceived. Those that pushed for the 2004 General Plan never intended to adopt the promised protective policies in that Plan. If they, had we would already have policies in place for our Scenic and Historical Corridors, our Buffers between different land uses would be in place, we would not be desecrating cemeteries and native cultural sites, we would have policies that guarantee healthy forests, we would have established community design standards for our Community Regions, we would have Historical District Overlays with Design Standards and policies to prevent Formula stores within those historic townsites, and we would have a robust ranching and agricultural industry throughout the County.

But instead, our County Staff are assigned to working on bringing in higher housing densities, corporate box store chains, drug addicts for the grant funds, and infrastructures

that destroy local mom and pops and property rights of residents. I only bring this up to this new Commission to make you aware of the history and the agenda that you are working under with the hope that you may turn to those promises that still linger in the 2004 General Plan that promise to retain our "rural" county and create "A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief".

For Historical reference, this was the request sent to the County and the responses that followed. Bottom line, the County never explained how the State had mandated the process to overhaul our General Plan and rezone over 37,000 parcels.

April 14, 2015

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

CA PUBLIC RECORDS ACT REQUEST

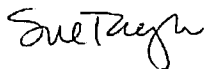
Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain copies of the following:

- A listing of the exact policies in the El Dorado County 2004 General Plan that are noncompliant or inconsistent with State Law in which California State Law requires a change in the El Dorado County 2004 General Plan.
- A listing of the exact State laws being violated in the El Dorado County 2004 General Plan which requires an amendment or change within the Land Use Programmatic Plan Update.

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

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

Thank you,



Sue Taylor

From: "David Defanti" <david.defanti@edcgov.us>
To: "sue-taylor" <sue-taylor@comcast.net>
Cc: "Steve Pedretti" <steve.pedretti@edcgov.us>
Sent: Thursday, April 30, 2015 3:17:47 PM
Subject: Response to 4.14.15 California Public Records Act Request

Ms. Taylor:

We received your letter dated April 14, 2015 (attached). The Community Development Agency does not have any documents responsive to your requests and disagrees with your letter's implications regarding the validity of the County's General Plan. However, under the California Public Records Act, we have an obligation to help you formulate your request in a manner that could produce responsive documents. Read broadly, your request could be interpreted to seek documents that address one of the County's goals for the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) process: ensure ongoing consistency with state planning law (including Government Code §65860, discussed below). If that information is indeed what you sought, the following documents may be of use to you.

First, attached is Government Code §65860 which requires that county and city zoning ordinances be consistent with the general plan of the county or city. Specifically, Government Code §65860(c) requires that if a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.

Second, please find attached a staff report from July 25, 2011 that discusses key issues for the TGPA, including compliance with state regulations. Numerous other staff reports have also addressed this issue - please see Legistar item 11-0356 and related files as shown here: <https://eldorado.legistar.com/LegislationDetail.aspx?ID=1876651&GUID=8A8EEFA4-9516-4188-91FA-22E226171042>.

Finally, attached is the TGPA-ZOU "Project Checklist" presented to the Planning Commission in August 2014. This checklist lists general plan and zoning ordinance amendments proposed via the TGPA-ZOU project as denoted in the November 14, 2011 Resolutions of Intent (ROI). The checklist shows project goals and objectives addressed by each proposed amendment, one of which is conformance with state and federal law. Since the adoption of these ROIs, the Board has modified the project description, electing to remove some of the items initially considered in the ROIs. For a current list of proposed amendments being considered, please see the project description within the Draft Environmental Impact Report (DEIR) and Recirculated DEIR on the project web site at: http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx

Dave Defanti
Assistant Director

County of El Dorado
Community Development Agency
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5342 / FAX (530) 642-0508
david.defanti@edcgov.us

From: "sue-taylor" <sue-taylor@comcast.net>
To: "david defanti" <david.defanti@edcgov.us>
Sent: Thursday, May 7, 2015 1:38:40 PM
Subject: Fwd: Response to 4.14.15 California Public Records Act Request

Mr. Defanti,

My request made no implications nor accusations regarding the validity of our General Plan.

If anything county Staff has made that implication due to stating at public meetings that implementing the TGPA/ZOU is required to conform to State law, leading the public to believe that currently the County is non-compliant. There is a big difference between conforming with State Law and being told that the TGPA/ZOU is being required by State Law. If in fact the TGPA/ZOU is required by State law, then I would like to know specifically what law is being broken, Is it Government Code §65860 and perhaps Assembly Bill 1358 as you have mentioned? If this is so then what is specifically being done in order for the County to comply with those 2 laws. I am looking for the correlation between the revisions to our General Plan and Zoning Ordinance, and the state or federal laws requiring those revisions. Sending the entire legislative file did not specifically answer that question.

On the other hand, if the County's General Plan and zoning ordinance is currently in compliance with State law then I'm seeking information for the basis of the County's response to the TGPA/ZOU goal to "*ensure ongoing consistency with state planning law*", as there has been no supporting documentation provided for that specific goal. If this is the case then I am looking for the correlation between the revisions to our General Plan and Zoning Ordinance, and the state or federal laws that the County is desiring to adhere to and for what purpose.

If our Supervisors were to choose to implement just those policies that were required by State or Federal law, what might they be? There should be a list readily available since it is basically the foundation of the TGPA/ZOU. This list should be a known quantity, and one of the few easily ascertained 'givens' in this process.

I saw from the attached list, a single reference citing Assembly Bill 1358. What is the new policy in the TGPA that is recommended in response to bring the County's General Plan into compliance?

Thank you for helping me clarify my request. As it stands, I would like to know the policy changes proposed relative to AB 1358 and Government Code §65860 . I would assume there are other similar conformity changes, but am requesting the information from you to understand what those might be. Perhaps it is safe to assume there are no others.

Thank you for your assistance.

Sue Taylor

From: sue-taylor@comcast.net [mailto:sue-taylor@comcast.net]

Sent: Friday, June 26, 2015 11:21 AM

To: Ron Mikulaco; Shiva Frentzen; Brian Veerkamp; Mike Ranalli; Sue Novasel; david defanti

Cc: Jim Mitrisin

Subject: California Public Records Act Request from 4-14-15

Due to not getting a response to the, May 7, 2015 clarification email that I sent to David Defanti, I am resubmitting the following PRA:

June 26, 2015

To El Dorado County Board of Supervisors
Clerk of the Board/CAO
David Defanti

CA PUBLIC RECORDS ACT REQUEST

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain answers to the following questions and copies to the documents that might apply:

- The County of El Dorado Planning staff and CAO's office has stated over the years, that the TGPA/ZOU is required by State law. If this is in fact true, then I would like to know specifically what law is being broken. In the information provided below, David Defanti, Assistant Director, County of El Dorado Community Development Agency, mentions Government Code §65860 and Assembly Bill 1358. In regards to these 2 laws, what specifically is being violated by the County and what specific policies in the TGPA/ZOU addresses these violations in order for the County to be compliant? I am looking for the correlation between the revisions to our General Plan and Zoning Ordinance, and the state or federal laws requiring those revisions.
- On the other hand, if the County's General Plan and zoning ordinance is currently in compliance with State law then I'm seeking information for the basis of the County's response to the TGPA/ZOU goal to "*ensure ongoing consistency with state planning law*", as there has been no supporting documentation provided for that specific goal. If this is the case, then I am looking for the correlation between the revisions to our General Plan and Zoning Ordinance, and the state or federal laws that the County is desiring to adhere to and for what purpose.
- If there are other policies, aside from AB 1358 and Government Code §65860, requiring a change in the County of El Dorado's Zoning Ordinance or General Plan to either conform with State law or be consistent with State law then I am also requesting the information for what those other State required policy changes might be.

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

To avoid unnecessary cost of duplication, electronic copies are acceptable and may be emailed to sue-taylor@comcast.net. It is requested that your determination be made within 10 days as stipulated within the California Public Records act, Government Code 6253(c). As it is you are in violation of responding to my original request from April 14, 2015.

Thank you,

Sue Taylor

RE: California Public Records Act Request from 4-14-15

From: **David Defanti** <david.defanti@edcgov.us>

7/6/2015 1:13 PM

To sue-taylor@comcast.net **Copy** [Jim Mitrisin](#) [and 3 others](#)

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1 attachment

Ms. Taylor:

The Community Development Agency does not have any documents responsive to your requests.

Dave Defanti
Assistant Director

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Community Development Agency
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