

J. Gainsborough Open Forum BBS 12/14/2021

I stand before you at the last Board of Supervisors meeting of the year 2021

Yes I know we had the Covid Crisis...and we've just finished the Cal Dor Fire

But I stand before you for the
lepers of" El Dorado County....

Are they not a man? Are they not a woman? 500 western Slope Homeless

Living without a shelter....

58 CA Counties... only 4 have no year round shelter... Will we be the last HOLDOUT?

Recent 5-0 decision for DHS to bring back a Nav. Ctr plan by end of Feb., with sites & and funding & details?....

But now that plan has been put off another 3 months to the end of May.../..

The IMMEDIATE CCRISIS AT HAND... IS 100'S OF OUR FELLOW HUMAN BEINGS FACING A
NORTHERN SIERRA WINTER..... WITH NO SHELTER.

You say nomadic shelter... will step in: THEY TOLD YOU LAST YEAR WAS THE LAST... AND NOW
WITH YOUR REFUSAL TO PROVIDE SHELTER... ONLY 3 NIGHTS ARE PROVIDED... they have
done your job for 8 years.....

IT IS NOW YMOUR TURN... COUNTY LEADERS.. STEP IN AND DO SOMETHING!!!

- 1) Provide a dusk to dawn warming center
- 2) Resolve a multi-thousand\$ bonus for any citizen with a warehouse t& heat
- 3) Declare a Homeless Housing Crisis Emergency Declaration
- 4) Provide at least 1 porta potty for the Upper Broadway encampment..... immediately..
are they not worthy..even as your lepers..for decent human basic effluent care

Jesus Christ gave His ALL for each of you....

What are you willing to do for Him.....

Inasmuch as you did it not to the LEAST of THESE MY BRETHREN...

YOU DID IT N-O-T TO ME... YOU DID IT N-OOT FOR ME

Pray. . . .I HAVE FAILED TO MOVE YOUR HEARTS ..are the Hme LESSS.... WORTH LESS

PRAY



Kim Dawson <kim.dawson@edcgov.us>

12/14/21 BOS Open Forum Public Comments

3 messages

Melody Lane <melody.lane@reagan.com>

Tue, Dec 14, 2021 at 1:51 PM

To: Kim Dawson <Kim.Dawson@edcgov.us>, edc.cob@edcgov.us

Cc: lori.parlin@edcgov.us, sue.novasel@edcgov.us, wendy.thomas@edcgov.us, john.hidahl@edcgov.us, george.turnboo@edcgov.us, david.livingston@edcgov.us, Breann Moebius <breann.moebius@edcgov.us>, Karl Weiland <Karl.Weiland@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us, Amanda Ross <aross@edcgov.us>, Andy Nevis <andy.nevis@edcgov.us>, John Clerici <john.clerici@edcgov.us>, Jon Vegna <jvegna@edcgov.us>

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

The BOS and Planning Commissioners have routinely violated the Brown Act Rights of the Public through their discrimination and foreclosing meaningful public dialog. Don't forget you are public servants who are accountable to the citizens of El Dorado County.

Praying diligently for a return to Constitutional Governance in 2022.

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: Thursday, December 9, 2021 3:53 PM

To: Breann Moebius (breann.moebius@edcgov.us); david.livingston@edcgov.us

Cc: lori.parlin@edcgov.us; sue.novasel@edcgov.us; george.turnboo@edcgov.us; john.hidahl@edcgov.us; wendy.thomas@edcgov.us; todd.white@edcgov.us; Kim Dawson (Kim.Dawson@edcgov.us); Vern R Pierson; edc.cob@edcgov.us; Amanda Ross; Andy Nevis; John Clerici; Jon Vegna; 'bosfive@edcgov.us'; bosfour (bosfour@edcgov.us); 'bosone@edcgov.us'; 'bosthree@edcgov.us'; 'bostwo@edcgov.us'

Subject: 12/9/21 Planning Commission Public Comments - Open Forum & Item #3 Grocery Outlet

Ms. Moebius, et al,

Today the Planning Commissioners were quite effusive in their praise of your years of service to EDC. However, during Open Forum you witnessed Jon Vegna's flagrant violations of the Brown Act. After I had already taken my seat, Jon and Andy Nevis discriminated against me when they coordinated their attack to discredit my relevant Open Forum statements. In so doing, they blatantly violated section 54954.2(a) that I had just read into the public record. Mr. Vegna again crossed the line by pounding his gavel and falsely accusing me of "disrupting" the meeting when I justifiably objected to his violation of the Brown Act and my rights. (See attachments)

During Item #3 (Grocery Outlet) Mr. Vegna again arrogantly interrupted me when I challenged the discriminatory manner in which the Commissioners conduct themselves. For example Kris Payne dialoged openly with one speaker, but Mr. Vegna prohibited me from exercising my First Amendment right to dialog. As I specifically pointed out to Mr. Vegna and the listening audience, Section 54954.3 of the Brown Act states, "...members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body...*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.*"

As I emphasized, this was the primary bone of contention when former Commissioner Cheryl Bly-Chester was forced out of office by the three liberal Supervisors. **Ms. Bly-Chester had a moral obligation, and the moxie, to challenge the other Commissioners, including County Counsel, on their unethical conduct and routine violations of the Brown Act.** It's a matter of public record that former Commissioner Gary Miller was just as egregious in violating the Brown Act and his abuse of the public trust. ***The public needs to know how EDC government illicitly operates, but citizens remain in the dark due to EDC Bureaucratic Shenanigans and dishonest journalism.***

There is also the matter of my correspondence that COB Kim Dawson has refused to acknowledge or enter into the public record during Planning Commission and BOS meetings. Kris Payne's Freudian slip did not go unnoticed about "Supervisor Nevis." Andy and Kris both unethically use the Taxpayers Association for their own political purposes. Andy is notorious for his censorship and targeting me in retaliation for being a whistleblower. His biases and vendetta against me are frequently on display.

There was also the issue of PRAs submitted during Planning Commission meetings that Planning/Development has failed to lawfully respond to pursuant to Government Code Section 6250 et seq. Mr. Combs' PRA was addressed relevant to Grocery Outlet, but why are my PRAs and correspondence no longer even acknowledged as lawfully required??? When I turned to directly face you and ask for a public explanation to these anomalies, you refused to respond, thereby violating the Brown Act and my First Amendment rights.

Ms. Moebius, as a county employee whose salary is paid for via my tax dollars, you have a moral and legal responsibility to be responsive to citizen's verbal and written communications. There is no legitimate argument to support the claim that oath takers, such as you or the Commissioners, 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, then he has violated two provisions of the First Amendment, the Public Trust and perjured his oath. 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.

As we discussed after Item #3 during the break, one of my areas of expertise is the Brown Act. Compass2Truth was founded in 2009 based on the preamble of the Brown Act. As a lawyer, you are aware that when you have knowledge of wrong doing, but fail to take remedial action, then you personally become culpable and liable for aiding and abetting such illicit conduct. You even acknowledged this is a Risk Management problem, then bluntly stated you had no intention to further converse and turned your back on me. That is the same modus operandi exhibited by the BOS, Todd White, CAO Don Ashton, Sheriff D'Agostini, and department heads that I referred to earlier.

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. You, Ms. Moebius, have proven conclusively by your actions to be in opposition to the Constitutions, and are unfit to serve in any official capacity.

Sincerely,

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 ~

2 attachments



12-9-21 PC Open Forum - EDC corruption.docx
18K



Brown Act Rights of the Public.docx
16K

County of El Dorado Clerk of the Board <edc.cob@edcgov.us>
To: Kim Dawson <kim.dawson@edcgov.us>

Wed, Dec 15, 2021 at 8:02 AM

Did you need me to do anything with Melody's comments from yesterday?

Office of the Clerk of the Board

El Dorado County
330 Fair Lane, Placerville, CA 95667
530-621-5390

CONFIDENTIALITY NOTICE: This electronic communication with its contents may contain confidential and/or privileged information. It is solely for the use of the intended recipient(s), except as otherwise permitted. Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, or authorized to receive for the intended recipient, please contact the sender and destroy all copies of the communication. Thank you for your consideration.

[Quoted text hidden]

2 attachments



12-9-21 PC Open Forum - EDC corruption.docx

18K



Brown Act Rights of the Public.docx

16K

Kim Dawson <kim.dawson@edcgov.us>
To: County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Wed, Dec 15, 2021 at 8:04 AM

No, I will attach. 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
[Quoted text hidden]

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 Moebius 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. Moebius, 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

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).)