

J. Sweeney Open Forum BAS 5/5/15

Statement to Board of Supervisors at Open Forum by James R. "Jack" Sweeney Date May 5, 2015

Subject:: County Property at Chili Bar

On March 12, 2015 the American River Conservancy (ARC) advertised that they were seeking a Park Aide to work at Chili Bar. This raised my curiosity and prompted the following remarks. It also raises the question as to whether the ARC disregards the authority of the County and if they will continue to get away with such disregard?

When the American River Conservancy sold the property to the County all previous reserved rights merged and no rights were reserved upon that sale. Hence, the ARC retained absolutely no authority nor authorization to remain on the property. Since that sale, the ARC has been squatting on the Public Property owned by the County. ARC refused agreements for occupancy offered by the County.

Unless there has been an agreement made between the County and ARC since January 2013, they are still squatters and should not be offering employment on County Property. I have not seen any such agreement on the open public agenda! The County should immediately stop ARC from using Chili Bar or reach an appropriate agreement that is considered through the public agenda process.

While this matter was rising to the filing of a lawsuit, the County DOT Staff had reached a solution that would have been amicable to all parties; the Board was not given that solution!

The County is already involved in one lawsuit over the ARC misuse of Chili Bar and has countersued for use of an easement to which the County has absolutely no rights.

The County should withdraw the countersuit for the easement; I consider that action to be inappropriate and/or illegal!

The County should settle the original suit out of court.

I would be willing to work with the County to seek these solutions!

The case is Wade v. County of El Dorado and American River Conservancy PC20120264

James R Sweeney

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This year, under this new Board, there has been a clear change in the way public comment is being handled. Previous Boards have allowed the public to make comment on each and every item on the agenda, as required by the Brown Act.

Per Section 54954.3 of the California Code, "Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item." Additionally, the introduction to the Brown Act states, "The Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business." Given this, you should not only welcome our comments, you should be more inviting to the public to participate.

On April 14, 2015, Supervisor Veerkamp refused to allow me to comment on the LUPPU update, stating that it was just a receive and file.

Per our lawyer, the act of receiving and filing is an action. Also, a member of the public must be given an opportunity to speak on any issue on the agenda before or at the time specified. On Staff Reports, either you must allow the public to comment during Open Forum or when the item comes up on the agenda. If you require it to be during Open Forum, then there must be a report attached in which the public can provide comment.

After the LUPPU update was presented on April 14th, the Board of Supervisors discussed their disagreements on the sensitive fiscal issue, yet the public was not given the same privilege. By prohibiting meaningful public comment yet allowing the Board to discuss the issue, a discriminatory action was taken against the public. Continuing with this strategy is violating the Brown Act and we ask you to cease this practice.

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