



M. Lane BOS 1/8 12d9

Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
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January 5, 2019

TO: EDC Board of Supervisors
Districts 1, 2, 3, 4 & 5

CC: CAO Don Ashton
Vickie Sanders, Parks & Rec.
Barry Smith, MGD Superintendent

RE: 1/8/19 BOS Agenda Consent Item #13 – Objection of Reappointment of Nate Rangel to RMAC

On behalf of **Compass2Truth** constituents, we object to the reappointment of Nate Rangel to RMAC and respectfully request that you deny his reappointment for the following reasons:

- In a 5/9/17 memo Deputy CAO Laura Schwartz states: *“The most significant change that we propose is to dissolve the RMAC. This committee has done some very good and dedicated work since its inception in 1984, but has evolved into more of a community-focused, rather than River-focused organization. Because of the lack of substantive issues that require deliberation and the wide-ranging interests of the RMAC, we recommend that this committee be dissolved and that the County encourage interested participants to form an ad-hoc committee. This committee could be supported by the County in same manner as the Rubicon Oversight Committee that has successfully conducted ad-hoc meetings for over 10 years... **Over the past several months, the majority of RMAC members have stepped down from the Committee resulting in not enough members to reach to quorum. Several meetings have been cancelled at the request of RMAC due to a lack of a quorum or no issues to discuss...** The Chief Administrative Office recommends that the Board consider filling the vacancies, noting that RMAC may be dissolved by the end of the year.”* RMAC was never dissolved, and in fact they have continued to operate surreptitiously and outside of the law.
- Mr. Rangel has overbearingly acted as chair of RMAC for the past several years, and in that capacity he has frequently violated the Brown Act. Audio recordings corroborate that Rangel has spearheaded the orchestrated interruptions, shouting, and discrimination against residents during extremely chaotic meetings especially when county representatives have failed to be present to ensure proper decorum and adherence to the law.
- During one such meeting Larry Weitzman remarked that they were “ultra vires” (acting outside of the law) and described their chaotic behavior as “mob rule” in a subsequent Mountain Democrat column: *At a very recent River Management Advisory Committee meeting in the Marshall Gold Discovery Park Museum to discuss the updated County River Management Plan, the rafters want to tell the county how to run the river concessions. Isn't that the tail wagging the dog? **There was no county representative present at a very one-sided meeting that bordered on mob rule. While an official county advisory committee, their actions may have been beyond the law and their authority. It's called an “ultra vires act.”***

- It is a matter of public record that Rangel has finagled serial meetings which the Brown Act strictly prohibits. Several of those meetings have been held in the Marshall Gold Discovery Museum, Grange Hall, Coloma Resort, Camp Lotus and American River Conservancy.
- Rangel has regularly colluded with Noah Rucker to falsify RMAC data and meeting minutes. Vickie Sanders, CAO Don Ashton and the entire Board of Supervisors have been apprised of their fraudulent acts but they have failed to take remedial action. When a government official has knowledge of wrong doing and fails to take action, then they become complicit and liable. Additionally the individual may be held personally liable, and we all know the burden such lawsuits place upon taxpayers, a topic that frequently comes up at the Taxpayers Association. Wade versus American River Conservancy and the County of EDC is a prime example.
- Additionally CA State Parks pulled out of RMAC in early 2018 yet the 11/5/18 RMAC minutes falsely reflect that Eric Carter and Bill Deitchman remain as State Parks representatives to RMAC thus demonstrating the inconsistencies in public transparency and accountability:

Minutes

River Management Advisory Committee (RMAC)

Adam Anderson, Business Representative
Robert Smay, Landowner/Resident Representative
Bill Deitchman, Calif Dept of Parks & Recreation Representative
William Crenshaw, Chair, Non-commercial boater Representative
Victoria Sacksteder, Vice Chair, Member-at-Large
Nate Rangel, Outfitter Representative
Vacant, Member-at-Large
Eric Carter, Alternate, Calif Dept of Parks & Recreation Representative

Staff:

Vickie Sanders, Parks Manager
Noah R. Triplett, River Recreation Supervisor

Monday, November 5, 2018

7:00 PM

Building C Hearing Room
2850 Fairlane Court

- During another RMAC meeting I asked a question and Rangel responded, *“Counsel has advised we don’t have to answer your questions.”* Mike Ciccozzi knows full well that depriving residents First Amendment rights to dialog and/or participate in governmental affairs is strictly prohibited by law. The Brown Act clearly delineates the content of RMAC minutes that have been consistently ram-rodged through the approval process without input from the public: *“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 purpose of discussion is to permit a member of the public to raise an issue or problem with the body or to permit body to provide info to the public, provide direction to its staff, or schedule the matter for a future meeting. Members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body.”*
- Furthermore County Counsel cannot lawfully represent Rangel or any other members of the public who theoretically serve as “volunteers” on RMAC. The reality is that RMAC representatives are delegates of the Board of Supervisors, and as such they are bound by their Principle Agent Oaths of Office to support and defend the national Constitution.

- Rangel admitted to bringing his good friend, Adam Anderson, onto RMAC as the business representative. Conflicts of interest abound. Anderson's connection is the ownership of the Villa Florentino in Coloma which was under scrutiny for violations of its special use permit and the River Management Plan. Rangel announced Anderson's resignation from RMAC to the BOS. However Anderson's remark that he would remain as the RMAC business representative due to a "legal manipulation" was captured on audio which I publicly reported to the BOS. The question remains why there was no response from any of the Supervisors?
- Permitting Nate Rangel to remain as a representative to RMAC is to buy into their mob rule. Each of their illegitimate RMAC meetings ends up costing taxpayers in one form or another as Larry Weitzman pointed out in one of his Mountain Democrat columns: *"The committee meets about 11 times a year, which creates a huge problem for taxpayers. But first I must describe the meeting I attended which lasted nearly two and a half hours. My time watching Looney Tunes was better spent, it was so unproductive (maybe it was a live action Looney Tunes). Not only did not one panel member understand their charge, they didn't even understand their own agenda which consisted of three items. The first one was the approval of the prior meeting's erroneous minutes and the approval of the agenda for that night. I also attended the prior meeting at the Marshall Gold Discovery Park Museum, which seemed to operate ultra vires. They were mostly concerned about the county's recommendation that RMAC be disbanded. **After listening to Schwartz's description of the nonfunctioning RMAC, many times not fielding a quorum, not understanding their duty or "job," not understanding their purpose, and certainly not understanding the Brown Act or how to conduct a meeting, it didn't take a rocket scientist to see the writing on the wall.** After two and a half hours, the meeting was done and nothing was accomplished but to set another meeting and perhaps another special meeting before the regularly scheduled meeting. **The only thing I learned from the RMAC meeting was government dysfunction at its worst.** But there is more. Attending this meeting were two very highly paid EDC employees. In fact, their total annual cost to EDC including salary and all benefits as reported by Transparent California exceeds \$400,000. That's an hourly cost of more than \$200 an hour combined. I am not begrudging the fact that they are paid a lot of money. I am sure they work hard; I know Schwartz does. What I am pointing out is the fact that each of these meetings cost the taxpayer a lot of money... And now there is an outcry that the CAO staff, and Parks and Rec staff has recommended that RMAC be disbanded. Why did it take this long? To add some gasoline to the fire, RMAC has been nothing more than to protect the interests of the commercial rafting industry, the concessionaires along the river and other related enterprises. Have they solved any problems? No. **The noise, crime, vandalism, and pollution are as big as ever. Have they ever told the board that it's many times out of control? Of course not.** But they do tell the board what a boon they are to the county."*

Good governance means transparency and accountability to all EDC residents, not just to special interest groups like RMAC. Accordingly the Board of Supervisors has a fiduciary responsibility to properly oversee and put a stop to Nate Rangel, illicit RMAC activities and River Mafia Mob bully tactics.

Sincerely,

Melody Lane

Founder – *Compass2Truth*

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.

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).)