

M. Lane Open Forum BOS 11/15/2019

I'd like to draw your attention to the highlighted portions of the Brown Act Rights of the Public that were just distributed to you. You've seen this many times before. In fact, I provided it to Lori Parlin in 2016 when she also presented it to the BOS.

Last night I attended the RMAC meeting in this room. It was as chaotic as an insane asylum. The four representatives—Bill Crenshaw, Rob Smay, Nate Rangel and Adam Anderson--were clueless as to their function, much less the law and finer points of the River Management Plan. As Larry Weitzman remarked in one of his MD columns, they were acting "ultra vires" or outside of the law. It's been their typical modus operandi.

Even Vickie Sanders appeared confused. Despite multiple phone calls, it was apparent she had no idea what I was referring to during public comments. No wonder because Vickie never received my request last week Thursday to ensure certain documents were publicly posted via the Gov Delivery system to last night's specific agenda items. It begs the question, how many other emails to public officials were UNLAWFULLY intercepted since Don Ashton sent me THIS email on 8/17/18 RESTRICTING MY EMAIL ACCESS???

After multiple phone calls Monday afternoon, at 2:23 PM I'd received the following email from Jim Mitrisin: *In this instance, it is my responsibility to ensure your emails are forwarded to the proper staff members for posting, which I have since completed. I expect staff will be able to post your materials in short order. I apologize for the delay.*

I replied: *The materials I distributed last week were already addressed to the proper staff to ensure lawful transparency and accountability. Vickie Sanders insisted she never received my email concerning Item #2, nor has she received direction from the BOS to remove State Parks from the RMAC agendas/minutes. RMAC still blatantly continues to operate outside of the law with the full knowledge and blessing of county staff.*

After the meeting adjourned I conversed with Vickie Sanders. She informed me that Don Ashton ordered removed ALL emails of the Parks & Rec Commissioners, RMAC and other county committees. Counsel knows they are bound by the same laws as county staff. That would explain why they've ALL been unresponsive, including Lori Parlin, which makes them culpable and liable under Title 18, Sections 241 & 242 which are federal offenses, not to mention in violation of their Constitutional oaths of office.

So the question is, are you and staff UNLAWFULLY acting of your own volition, or under the direction of Don Ashton or County Counsel???

From: Donald Ashton [mailto:don.ashton@edcgov.us]

Sent: Friday, August 17, 2018 3:45 PM

To: Melody Lane

Cc: AD-Department-Heads-m; The BOSONE; The BOSTWO; The BOSTHREE; The BOSFOUR; The BOSFIVE

Subject: Email Access

Good afternoon Ms. Lane,

Over the last few months, you have sent numerous emails, sometimes including lengthy email chains and/or attachments along with your communication. These emails have included in their distribution numerous staff members in addition to Department Heads, my office, the offices of the Board of Supervisors and their assistants.

The County's email system is designed to make County operations more effective and efficient. In furtherance of that objective the County has a practice of limiting certain types of email traffic. The County has never by policy or practice opened its email system for indiscriminate use by the general public.

The County takes seriously its obligation to provide the constituents of the County with access to their local government, however, the County's email system is not a traditional public forum nor has the County designated it as such. As a nonpublic forum, the County can impose reasonable regulations on the use of its email system. In fact, even where a public forum is involved, the law allows reasonable time, place, and manner restrictions upon the use of that public forum. As has been noted "Freedom of expression does not mean that everyone with opinions or beliefs to express may do so at any time and place..." It has also been recognized that the government and the taxpayers it serves have a substantial interest in avoiding unnecessary drains upon the public resources. By sending these lengthy emails with extensive attachments to numerous County employees and officials, public resources are diverted from other important tasks when those employees and officials must open and review the email and attachments.

This is to let you know that effective immediately the County is restricting your ability to email County staff. In order to ensure you continue to have access to your local government, you will still be permitted to email all Board of Supervisors members, their assistants, County Department Heads as well as edc.cob@edcgov.us and planning@edcgov.us. You remain free to express any opinions, requests, or other comments in your emails as the County has no interest in restricting your ability express your viewpoint on matters of County governance.

We appreciate your interest in the operation of your local government and trust you understand that we share your desire to ensure that the County operates effectively and efficiently for all of the citizens of the County.

WARNING: This email and any attachments may contain private, confidential, and privileged material for the sole use of the intended recipient. Any unauthorized review, copying, or distribution of this email (or any attachments) by other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments.

From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Monday, January 14, 2019 4:05 PM
To: Jim Mitrising; 'Donald Ashton'; lori.parlin@edcgov.us; Vickie Sanders; Vern R Pierson
Cc: sue.novasel@edcgov.us; brian.veerkamp@edcgov.us; shiva.frentzen@edcgov.us; john.hidahl@edcgov.us; barry.smith@parks.ca.gov; Jason DeWall; bosfive@edcgov.us; bosfour@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us
Subject: RE: El Dorado County River Management Advisory Committee Meeting Agendas and Minutes Update
Importance: High

At 2:23 PM today Jim Mitrising wrote:

In this instance, it is my responsibility to ensure your emails are forwarded to the proper staff members for posting, which I have since completed. I expect staff will be able to post your materials in short order. I apologize for the delay.

The materials I distributed last week were already addressed to the proper staff to ensure lawful transparency and accountability. Vickie Sanders insisted she never received my email concerning Item #2, nor has she received direction from the BOS to remove State Parks from the RMAC agendas/minutes. RMAC still blatantly continues to operate outside of the law with the full knowledge and blessing of county staff.

So the real question is, are you UNLAWFULLY acting of your own volition, or under the direction of Don Ashton, the BOS or County Counsel???

Melody Lane

Founder – Compass2Truth

“This [U.S. Constitution] is likely to be administered for a course of years and then end in despotism... when the people shall become so corrupted as to need despotic government, being incapable of any other.” – The Quotable Founding Fathers, pg. 39.

From: El Dorado County [mailto:eldoradocounty@service.govdelivery.com]
Sent: Monday, January 14, 2019 3:26 PM
To: melody.lane@reagan.com
Subject: El Dorado County River Management Advisory Committee Meeting Agendas and Minutes Update

You are subscribed to updates for the El Dorado County River Management Advisory Committee (RMAC).

Additional Attachments added to the January RMAC Meeting Agenda

MEETING AGENDA DATE: January 14, 2019

Click the File # to view the full file text and attachments

Item	File #	Attachment
2	19-0062	Public Comment Rcvd
4	19-0077	Public Comment Rcvd

Questions? Contact Us at edcquestions@edcgov.us

TABLE OF BRITISH REGNAL YEARS

Sovereign	Accession	Length of reign
William I	Oct. 14, 1066	21
William II	Sept. 26, 1087	13
Henry I	Aug. 5, 1100	36
Stephen	Dec. 26, 1135	19
Henry II	Dec. 19, 1154	35
Richard I	Sept. 23, 1189	10
John	May 27, 1199	18
Henry III	Oct. 28, 1216	57
Edward I	Nov. 20, 1272	35
Edward II	July 8, 1307	20
Edward III	Jan. 25, 1327	51
Richard II	June 22, 1377	23
Henry IV	Sept. 30, 1399	14
Henry V	March 21, 1413	10
Henry VI	Sept. 1, 1422	39
Edward IV	March 4, 1461	23
Edward V	April 9, 1483	—
Richard III	June 26, 1483	3
Henry VII	Aug. 22, 1485	24
Henry VIII	April 22, 1509	38
Edward VI	Jan. 28, 1547	7
Mary	July 6, 1553	6
Elizabeth	Nov. 17, 1558	45
James I	March 24, 1603	23
Charles I	March 27, 1625	24
The Commonwealth	Jan. 30, 1649	11
Charles II	May 29, 1660	37
James II	Feb. 6, 1685	4
William and Mary	Feb. 13, 1689	14
Anne	March 8, 1702	13
George I	Aug. 1, 1714	13
George II	June 11, 1727	34
George III	Oct. 25, 1760	60
George IV	Jan. 29, 1820	11
William IV	June 26, 1830	7
Victoria	June 20, 1837	64
Edward VII	Jan. 22, 1901	9
George V	May 6, 1910	25
Edward VIII	Jan. 20, 1936	1
George VI	Dec. 11, 1936	15
Elizabeth II	Feb. 6, 1952	—

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).)