

M. LANE  
CALIFORNIA BROWN ACT

Public Comment  
OPEN Forum  
9/11/18

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).)

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

**Sent:** Monday, September 10, 2018 7:24 PM

**To:** 'John Edwards'; rafael.martinez@edcgov.us; Michael Ranalli

**Cc:** 'Brian Mullens'; shiva.frentzen@edcgov.us; brian.veerkamp@edcgov.us; john.hidahl@edcgov.us; sue.novasel@edcgov.us; Brenda Bailey; barry.smith@parks.ca.gov; Mike Howard; Jason DeWall

**Subject:** RE: Mt. Murphy Road maintenance...Bridge to nowhere

Mr. Ranalli et al,

Not only did you avoid residents questions during the Mt. Murphy Bridge-to-nowhere meeting on September 5th, you still haven't replied regarding the important topics of **public safety, egress, and rapidly deteriorating road conditions.**

Please review the correspondence below, and note the highlights in the attachments as they pertain to the River Management Plan, the American River Conservancy & CA State Parks.

How much longer do you intend to kick this can down the road?

Elections are fast approaching, so don't forget who you work for.

*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. ~ John Whitehead ~

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

**Sent:** Thursday, June 7, 2018 10:55 AM

**To:** 'John Edwards'; rafael.martinez@edcgov.us; Michael Ranalli

**Cc:** 'Brian Mullens'; shiva.frentzen@edcgov.us; brian.veerkamp@edcgov.us; john.hidahl@edcgov.us; sue.novasel@edcgov.us; Brenda Bailey; barry.smith@parks.ca.gov; Mike Howard (Mike.Howard@parks.ca.gov)

**Subject:** RE: Mt. Murphy Road maintenance...

John, Rafael, & Supervisor Ranalli:

John's response is contrary to our conversation yesterday when he agreed to meet to do a site inspection of Mt. Murphy today. His excuses and diversion tactics are also evidence of the county's Bureaucratic Shenanigans and typical poor resource management.

Furthermore, John's explanation failed to address the concerns about the previously HARD SURFACE on the lower 1/3 mile of Mt. Murphy Rd. that has been regularly DESTROYED by DOT crews, the CEQA issues pertaining to the clouds of particulate matter, and the ditches that need larger rocks re-distributed due to the heavy rain washouts @ Carvers & Mt. Murphy roads.

As I indicated yesterday, this is a PUBLIC SAFETY issue. With a multi-million dollar expenditure for the proposed Mt. Murphy Bridge replacement, it does not make economic sense to apply a temporary Band Aid to the condition of the previously HARD SURFACED road accessed by hundreds of thousands of annual visitors to the MGD Park. Residents are NOT asking that the road be widened. We need it to be REPAIRED and PROPERLY MAINTAINED to enable adequate egress especially in the event of another emergency such as wildfire.

Don't forget who pays your salary. Please reply promptly...

1. Why was only ONE HALF of the road graded prior to spreading & compacting dirt & gravel on the (2006) previously HARD SURFACE in front of my home?
2. Presuming John Edwards is his boss, am I to presume Brian Mullens is the project supervisor responsible for Mt. Murphy Road?
3. WHO exactly has oversight and is responsible for determining WHERE asphalt grindings are to be distributed on this project?
4. WHEN will high quality asphalt grindings be used on the lower 1/3 mile to control the airborne particulate matter caused by increased traffic on Mt. Murphy Road? (Refer to attached documents and note Bayne Road is the lower boundary of my property: *Air quality engineers estimated that the Bayne Road paving project will take 274 pound per year of particulate matter out of the air.*)

*Melody Lane*

**Founder – Compass2Truth**

*"If you do not take an interest in the affairs of your government, then you are doomed to live under the rule of fools." ~ Plato ~*

**From:** Melody Lane

**To:** Don Spear

**Cc:** Tom Celio

**Sent:** Wednesday, November 29, 2006 10:04 PM

**Subject:** Mt. Murphy Road & Bayne Road

Hi Don:

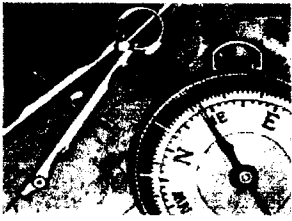
Just wanted to take a moment to thank you and your crew for doing such a terrific job on the 36" culvert & fencing on the lower portion of my property down on Bayne Road. On behalf of all my neighbors that traverse Mt. Murphy Road, we especially appreciate the decomposed asphalt that I anticipate will arrest the erosion problems from the winter rains that turn our road into an obstacle course. This will also eliminate a lot of stirred up dust, frequent car washes & the necessity for regular tire realignments. Just goes to prove that the squeaky wheel gets the asphalt after all. ;-)

One last question though--Is DOT is still planning on lining the ditches on Mt. Murphy with rocks up to Above Trouble in 2006 to prevent further heavy erosion as you and I discussed a couple months ago? Without the rocks, I can easily imagine the sides of the road giving way again to the torrents of runoff like we experienced last year making the road nearly impassable where it intersects with Carvers Road.

Again, thanks a million for these much needed improvements.

Have a joyous Christmas and a prosperous New Year,

Melody Lane  
Above Trouble  
Coloma, CA



# COMPAS

*Citizens Organized to Monitor Protect And Serve, Inc.*

P.O. Box 598  
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(530) 642-1670  
melodylane@calis.com

July 15, 2011

**TO:** Jim Ware, Director DOT  
Jeremy McReynolds, Superintendent Marshall Gold Discovery State Historic Park

**CC:** Sheriff John D'Agostini  
Congressman Tom McClintock  
Senator Ted Gaines  
Assemblywoman Beth Gaines

**RE: Meeting 7/12/11 with Marshall Gold Discovery Historic State Park & DOT  
Proposed Meeting with EDC Sheriff's Office**

Gentlemen,

Thank you for your time and consideration during our meeting and walking tour of Mt. Murphy on Tuesday morning. I appreciate the recap sent by Jeremy. However there remain several issues requiring further discussion and clarification highlighted below.

It was apparent during our excursion that both Mt. Murphy and Bayne Roads are degenerating into public hiking trails. This raises a valid concern about the effective utilization of property taxes to maintain county roads within our historic district. The number of times we had to get out of the path of vehicles underscored citizen concerns about safety, code and law enforcement.

The various aspects of public safety and land management that we discussed were initially broached during the 9/5/07 meeting held in the Marshall Gold Discovery Museum. With the support of Congressman Doolittle, representatives from the offices of Senator Cox, Assemblyman Gaines and CA State Parks were present. The primary purpose of our meeting was to coordinate services and improve community relations. It is significant that Supervisor Briggs, American River Conservancy, Sheriff Jeff Neves and Fire Chief Bill Holmes refused to participate in that important meeting. It's now been nearly four years without making any headway.

The topics we addressed are relevant to the River Management Advisory Committee (RMAC) and the execution of the River Management Plan (RMP). These matters are vetted at monthly meetings prior to RMAC representatives making their recommendations to the Board of Supervisors. As you've been made aware, these meetings have a long history of being very contentious. Pertinent information regarding public safety, transparency and accountability have been typically diverted, obfuscated or censored from the minutes thus depriving the public of their right-to-know. The public plays a crucial role in the RMP process; however residents have typically been intimidated and/or discouraged from participating in these public meetings where Bagley-Keene and Brown Act violations abound.

**Lack of Code and Law Enforcement** in the Coloma region is a primary concern of residents that has been frequently expressed during RMAC meetings but typically avoided. **For this reason I have copied Sheriff D'Agostini to encourage his active involvement in future meetings to address relevant issues.**

During our hike on Tuesday Jim indicated that he was not familiar with the function of RMAC. It is important to understand the RMP is a vital element of both the EDC General Plan and the Parks & Trails Master Plan.

A hard copy of the RMP may be obtained through Greg Stanton or Gerry Silva in Environmental Management, or you can refer to the RMAC website:

[http://www.co.el-dorado.ca.us/Government/EMD/Rivers/River\\_Advisory\\_Committee.aspx](http://www.co.el-dorado.ca.us/Government/EMD/Rivers/River_Advisory_Committee.aspx)

Note **Chapter 6 - RMP Elements** addresses the coordination of **Federal, State and local government agencies** as well as **non-government agencies** (NGOs) to fulfill the safety related elements of the RMP, specifically:

- **Bureau of Land Management**
- **Marshall Gold Discovery Historic State Park**
- **CA Dept. of Parks & Recreation**
- **EDC Sheriff's Department**
- **Department of Transportation**
- **Environmental Management**
- **Code Enforcement**
- **Planning Commission**
- **EDC Fire Protection District**
- **American River Conservancy**

### **DOT CONCERNS – Jim Ware**

1. The December 9, 2010 Planning Commission hearing regarding Special Use Permit #S08-0018 contains material relevant to DOT, Code and Law Enforcement on Mt. Murphy. I suggest you check with Pierre Rivas in Planning. He can provide detailed documentation of incidents concerning DOT maintenance on Mt. Murphy included in my appeal to the Commission dated November 26, 2010. You'll find that file also addresses your comments regarding Bill Center.
2. Residents were delighted with the 2006 improvements made to the lower portion of historic Mt. Murphy Road. The hard surface is safer, totally eliminates the dust clouds caused by increased traffic, doesn't erode into deep gullies or speed bumps, and lasts far longer than the inferior dirt & gravel composition. It stands to reason that it would be more cost efficient to utilize the superior materials especially since its durability would require less regular DOT maintenance. The cost comparison between loads of the inferior versus the superior recycled road materials would be most helpful in determining a cost efficient, long term solution for this historic icon. Thanks in advance for providing that information.
3. Jeremy's suggestion to provide "No Parking" signs and boulders within the DOT easement on Robinson's private property still does not address the problem of frequent intrusions and damages caused by vehicles using my driveway as a turn around. I've heard a lot about what DOT *won't do*, but I'd be interested to know what the county proposes as an effective resolution to this perpetual safety & security issue?

4. I pointed out that "No Parking" Signage is also needed at the corner of Mt. Murphy & Carvers Road where hikers and CDF crews park their vehicles. After a 2009 meeting in the Marshall Gold Discovery Park Supervisor Briggs indicated he would address this matter, but for two years he's remained unresponsive to follow up inquiries. I acknowledged the CA State Parks staffing and maintenance deficit, but isn't it actually the responsibility of DOT to provide signs and services that are **funded by our property taxes**?
5. Dumping has been a regular occurrence on Mt. Murphy. The ineffectiveness of the 8" x 10" sign posted up in the tree is apparent. A common sense solution would be to remove the absurd 4' x 4' signs located on Cold Springs Road and Lotus Road: "**Dogs worrying livestock will be shot.**" I suggest strategically relocating the signs after they've been repainted as "No Dumping" signs on Mt. Murphy Road.
6. Jeremy's suggestion for DOT to look into an MOU for State Parks collecting use fees along county road right of way is a hot topic that came up at the November 2010 Annual RMAC meeting held in the Gold Discovery Park Museum. It again came up at another RMAC meeting in early 2011. The concern was expressed that RMAC representatives are in collusion with State Parks to find a means to get around the failed **Proposition 21** (DMV Fees/CA Parks Maintenance). Like many other important discussions, that issue was censored from the RMAC minutes. COMPAS would appreciate **being** included in discussions about an MOU *prior* to submission to RMAC and the BOS.

### **MGDHSP – Jeremy McReynolds**

The safety and security of private property surrounded by *inadequately monitored public land* is a growing concern of El Dorado County residents. Five arson fires within eight years have threatened private property owners upon historic Mt. Murphy. In the event of another emergency, of primary concern is the vital need to address ample egress on one-lane county roads that are obstructed by parked vehicles, and the safety & security issues caused by increasing tourist traffic.

1. The problems with land management and Code & Law Enforcement existed long before the budget crisis exploded in 2007. As you are aware, these issues have been perpetually minimized or evaded by RMAC and the government agencies listed on page two of this memorandum. Commissioner Walt Matthews best expressed the situation during the December 9, 2010 Planning Commission hearing, "*The Park is the problem instead of part of the solution.*" The question remains: *When will the Park appropriately respond and contribute to the necessary solutions in the Coloma region?*
2. Clarification is necessary about the funding by CA State Parks to provide "No Parking" signage and their authority to issue citations on private property. My understanding from past dialogs with law enforcement is that CA State Parks has no authority on private property; they are limited to within the MGD Park boundaries.
3. Maintaining a defensible space was addressed in my correspondence dated November 20, 2010. It was my understanding that 24 hour notice would be given by CDF & Park maintenance crews to cut the fallen trees along our mutual boundary lines. Robert indicated the branches were to be stacked and burned during the winter, yet we are well into the fire season and the opportunity to burn has long passed. What plans does the Park have to address this potential fire hazard within a reasonable time frame?

4. During our walking tour I pointed out the cut fence on the east boundary towards Dutch Creek where trespassers frequently access my property. The NE boundary in the ravine along the miner's trench is also problematic since hikers utilize that path on my property to access the vantage point above Troublemaker rapids. It has been over four years yet requests for repairs to the fence erected by American River Conservancy have not been addressed nor have the "No Trespassing" signs been replaced. What plans does the Park have to utilize volunteers or Growlersberg crews to repair fences, replace signage, and address the problem of restoring fire access on my private property at Bayne Road?
5. Brief discussion was broached about an alternate trail to discourage trespassers from private property on Mt. Murphy. However this raises several questions about the size, wording and actual placement of the signs you proposed. I'd appreciate the opportunity to discuss this further before any action is taken.
6. Environmental Management has been uncooperative in providing public information regarding the Chili Bar Conceptual Plan and its relation to the **EDC Parks & Trails Master Plan**. Janet Postlewait and Kate Kirsh (Foothill Assoc.) have also been unresponsive to inquiries involving the Planning Commission, Parks & Recreation and land acquisitions by American River Conservancy. Transparency, safety and encroachments are valid concerns of residents adjacent to public land and trails. An appeal is now being made for CA State Parks to be forthright and cooperative in mitigating these matters.
7. Lack of privacy, security, Code and Law Enforcement on the S. Fork American River region historically has been cause of contention at RMAC meetings. No local representation has left residents feeling disenfranchised and frustrated with the "good old boys" network that has dominated our region. Since CA State Parks, Code Enforcement and the Sheriff's Office all share responsibility in the coordination of the RMP, it would therefore be advantageous for Sheriff D'Agostini to join us in a meeting to begin mitigating solutions for our river community. In anticipation of his support, I'll contact his assistant Lora Lyons to help coordinate a meeting.
8. Last but not least, the MOU-Management Plan that you proposed segued to the topic of our conversation in the parking lot regarding AB42. As you can ascertain, the RMP appears to be a major component in this Assembly Bill. Attached are concerns involving AB42 specific to the American River Conservancy and the Marshall Gold Discovery Historic State Park. It pretty well encompasses the purpose of our meeting and focus of this memo, matters that RMAC and Supervisor Briggs have taken great pains to circumvent.

Please let me know your thoughts about coordinating a follow up meeting to discuss these issues with representatives from the offices of Congressman McClintock, Senator Gaines and Assemblywoman Gaines.

Regards,

*Melody Lane*

Melody Lane  
President – **COMPAS, Inc.**  
Citizens Organized to Monitor Protect And Serve

## AB 42 (Huffman) CA STATE PARKS

Existing law gives control of the state park system to the Department of Parks and Recreation. Existing law authorizes the department to enter into agreements with an agency of the United States, a city, county, district, or other public agency or any combination thereof, for the care, maintenance, administration, and control by a party to the agreement of lands under the jurisdiction of a party to the agreement, for the purpose of the state park system.

This bill would authorize the department to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or portion of a unit, of the state park system, as identified by the director, with a qualified nonprofit organization, as provided. This bill would require the operating agreement to include, among other things, a requirement that the nonprofit organization annually submit a report to the department, to be available on the Internet Web site for both the department and the nonprofit organization. The bill would require the nonprofit organization and the district superintendent for the department to hold a joint public meeting for discussion of the report.

The bill would require the department to notify a Member of the Legislature of an intention to enter into an operating agreement relating to a park in the member's district, as well as notify specified committees of the Legislature. The bill would also require the department to report to the Legislature, on a biennial basis, the status of any operating agreement.

The bill would repeal these provisions on January 1, 2019.

### PUBLIC CONCERNS RE AB42:

- What type of **contract agreement** between a non-profit and the state would be created?
- How does the bill AB 42 provide for **public involvement** outside of the nonprofit?
- What **conflict of interest** considerations are provided for in AB 42?
- Is the nonprofit (s) volunteering regarding payment for work provided in such agreements? **If not who funds what?**
- Is the state looking to provide **grant money (public money) to private nonprofits?**
- The PPP's can be a very **insidious and dangerous channeling away of public ownership** of and input into our park systems. The precedent of a nonprofit essentially lobbying and making their own agenda driven decisions rather than the state agencies that the public has already paid and tasked with oversight is a potential nightmare for the public.
- **Nonprofits as private do not have the transparency or disclosure requirements of a state agency and thus black holes of accountability are further formed.**
- With the public already having paid millions, billions into propositions and bonds for conservation purposes and water conservation purposes--why doesn't the state park system utilize this public gift itself, **hire more staff--** rather than delegate it to **private parties?**
- We now have PPPs without contracts or formal agreements that are acting as state agents. **This ongoing apparent misrepresentation is confusing to the public and does not provide even the small measure of accountability that the public has from our state agencies.**



October 17, 2012

Contact: Anne Novotny  
(530) 621-5931 or [anne.novotny@edcgov.us](mailto:anne.novotny@edcgov.us)

## Bayne Road Improvements Complete

(Placerville, Calif.)—Drivers on Bayne Road between Coloma and Kelsey will have a smoother, safer ride with the recent completion of a chip seal paving project.

The El Dorado County Department of Transportation project included road widening, drainage culvert improvements, brush trimming and 2.54 miles of new chip seal pavement on a previously unpaved portion of the road. In addition to residential use, Bayne Road is frequently used by river rafters and kayakers because it is the shortest drive between Chili Bar and Coloma. With the completion of the project, Bayne Road is now continuously paved between Mt. Murphy Road to State Route 193.

“The work was professionally done and the DOT employees really went out of their way to accommodate local traffic,” said resident Bob Day. Day praised Acting Deputy Director of Maintenance Don Spear for making “a significant effort to include Bayne Road residents in the planning process which resulted in a well executed and coordinated road improvement project.”

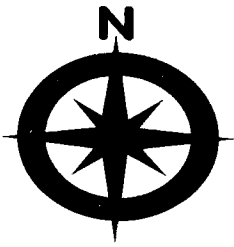
Spear estimates the useful life of the project at 12 to 15 years. “For the long term viability of the road, it is important for drivers to stay off the shoulders and drive no faster than 20 to 25 miles per hour, or less, depending on road conditions,” said Spear.

The Bayne Road improvement project was partially funded through a \$207,000 grant from the El Dorado County Air Quality Management District.

"Vehicle travel on unpaved roads creates significant amounts of dust or particulate pollution. El Dorado County currently exceeds the State standard for particulate pollution," said Dave Johnston, Air Pollution Control Officer. "The Air Quality Management District is pleased to partner with the Department of Transportation on this project as the transportation improvement also improves air quality."

Air quality engineers estimated that the Bayne Road paving project will take 274 pound per year of particulate matter out of the air.

El Dorado County has approximately 58 miles of unpaved roads. The Department of Transportation plans to apply for additional air quality grants to complete additional projects. Additional information about Department of Transportation projects is available at [www.edcgov.us/DOT](http://www.edcgov.us/DOT).



# Compass2Truth

*Citizens Serving God in Truth and Liberty*

P.O. Box 598  
Coloma, CA 95613  
(530) 642-1670  
melody.lane@reagan.com

June 19, 2015

To: Supervisor Mike Ranalli

CC: Don Spear, DOT  
Bard Lower, DOT  
Barry Smith, Acting Superintendent MGDSHP  
Pamela Knorr, HR Director  
Vickie Sanders, Parks & Recreation

Larry Combs, Interim CAO  
Sheriff D'Agostini  
Roger Trout, Planning  
Greg Stanton, Env. Mgt.

Hi Mike,

Thanks for meeting with us last week in regard to the safety issues, poor condition and maintenance of *historic* Mt. Murphy Road. Foot and vehicle traffic is increasing the potential for disaster at the site of the Gold Discovery that changed the face of our nation.

Contrary to Bard's email, the photos and videos provided more than adequate proof that the grading & paving done in April was a *total waste of taxpayer's money*. The only significant improvement was the brush removal. The "washboard" condition of the road, particularly in front of my home, is growing considerably worse than it was prior to the April improvements to give residents "a better ride." Bard had to be kidding!!! That's the same line Jim Ware and Tom Celio would perpetually use.

In fact, at 1:30 AM this morning a truck loaded with metal & trash rattled and banged loudly over the washboard as it made two separate passes in front of my home that woke the dead all over the Coloma valley. I dialed Dispatch to alert them of a potential illegal dump and the disturbance of the peace, but as far as I know, there was no response. However kudos to Greg Stanton's crews for removing the trash on Tuesday from the two illegal sites I'd provided pictures of on Mt. Murphy Road.

If a 2012 dust abatement grant was obtained for rafters and kayakers on Bayne Road to remove 274 pounds of particulate matter polluting the air, then surely funds must be available to improve historic Mt. Murphy Road that adjoins both sides of the Marshall Gold Discovery State Historic Park. Just think of how it would help all those little school kids, tourists, and local residents from inhaling that unhealthy dirt stirred up in the environment!

As you heard at the Fire Safe meeting at Coloma Grange the other night, the public safety aspects of egress to Mt. Murphy Road via the historic bridge is also a primary concern for residents. It makes no sense to spend millions on replacing the "bridge to nowhere" when the condition of Mt. Murphy Road is significantly deteriorated since the 2006 improvements and increased traffic. Additionally the lack of code and law enforcement is a growing concern to residents as you've heard expressed at numerous BOS meetings.

The safety, code and law enforcement issues cannot be separated from DOT, Cal Trans, OES, Coloma Resort, and the Marshall Gold Discovery Park. EDSO coordination is required in the event of another arson fire or major disaster on Mt. Murphy. As you are aware, this was a topic of meetings with Jeremy McReynolds and Roger Trout in the office of Sheriff D'Agostini prior to his refusal to meet and blocking my email access to EDSO.

I believe an explanation is in order by DOT as to the removal of the "No Parking at Any Time" sign that was put up under the direction of Jeremy McReynolds and recently removed from the proposed cell tower spot on Robinson's property a few hundred feet uphill from my front gate. As Don is aware, this has been a hot spot for late night parking, partying, trespassing and avoidance of MGDP parking fees to access Mt. Murphy.

This matter is by no means closed. We would appreciate Brenda's assistance in coordinating another on-site meeting with Don and Bard, and possibly interim MGDP Superintendent Barry Smith, to discuss and proactively begin resolving the numerous Mt. Murphy issues that have been perpetually evaded by past and present CAOs, DOT, and MGDSH Park personnel. (Please refer to the attached materials provided to you at our meeting last week.)

Last, I'd like to remind Don Spear and Bard Lower that I have been in ministry for nearly 25 years. I've hosted Capitol politicians and evangelical leaders from all over the globe at my home. I was deeply offended by Don's insult to my character and good reputation by his inference that I was lying about the plastic bag of gravel and debris deposited on your conference table. As I stated, it was collected directly in front of my property within 24 hours of the work being completed in April. There's a lot more where that came from. Clearly it was not screened as he adamantly professed. I believe his apology is in order.

Thanks for your participation and anticipated cooperation.

Regards,

Melody Lane  
**Founder – Compass2Truth**

**Proposal - Draft Zoning Ordinance Text Amendments:** Consider text amendments to Chapter 6 of the El Dorado County Zoning Ordinance [https://library.municode.com/ca/el\\_dorado\\_county/codes/code\\_of\\_ordinances?nodeId=PTAGECOOR\\_TIT6AN](https://library.municode.com/ca/el_dorado_county/codes/code_of_ordinances?nodeId=PTAGECOOR_TIT6AN) adding Section \_\_\_\_\_

**\*\*\*PROPOSED ORDINANCE starts on PAGE 10\*\*\***

1. **Background:** The keeping and well-being of Exotic Birds is currently not addressed in El Dorado County Animal Ordinances. EDC Animal Control Services finds itself “ill equipped” to cite negligent or abusive Exotic Bird “Custodians” under PC597, as EDC Animal Control Services is lacking sufficient guidance (as compared to the City of Placerville “Keeping Chickens Ordinance”) to be able to judge the biological and situational “well-being” of the Exotic Birds that they are called to protect. This proposed ordinance is intended to provide guidance to Animal Control Services and other law enforcement personnel so they may improve the lives of the pet Exotic Birds and advise their “Custodians” while reducing the numbers of neglected pet birds that end up in rescues.

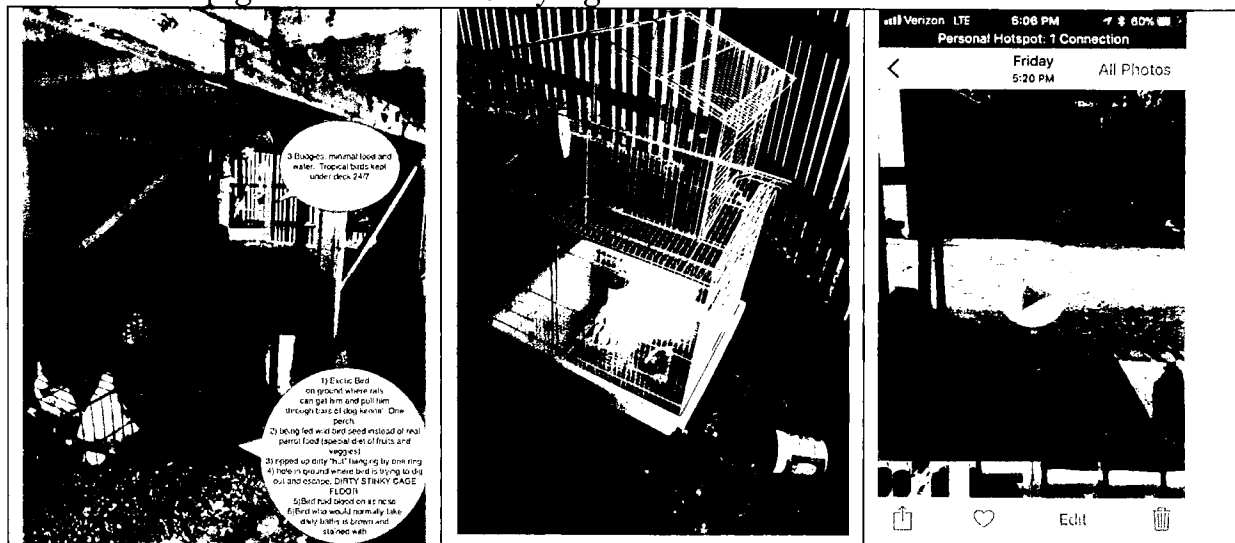
This PROPOSED ordinance was prompted by the incidents reported to Animal Control, August 17-27, 2018 in Diamond Springs Estates of a parrot left under a house deck 24/7 and crying while the owners went camping.

Animal Control was called a number of times over the week for the crying Cockatoo. Alexis said that the reason they couldn't improve the Cockatoo, budgie's and pigeon's conditions is that the current law did not address specifics.

- 1) August 17, 2018: The calls of neglect from a neighbor, were regarding a Citron Crested Cockatoo (listed on the Indonesian Endangered Species list [~600 remain in the jungles], 3 American Parakeets and a Fancy Fantail Pigeon, being left stored under a backyard house deck 24/7, in a dog cage on the ground, dirty, sitting in their own mess, exposed to extreme temperatures, exposed to predators, and fed minimal and improper foods (not all species live off seed), and kept marginally alive, while the “custodians” (Custodians) went camping for several days. Photos and video was taken at the site, including the Cockatoo and Meat Bee nest the cage was sitting on.

\*\*\*\*\*This is when the bird should have been impounded for unsanitary, unhealthy, home alone, needing vet care. \*\*\*\*\*

August 19, 2018 After Animal Control Investigated and left a note on the door of the “Custodians” another neighbor who is well versed in parrots, looked in at the condition of the parrot. Found a Citron Crested Cockatoo, dirty, bloody, plucked, raw, needing vet care, in a cage on the ground where it could be attacked by predators, being fed wild bird seed. Also found a hanging cage with 3 Budgies and another finch cage on the ground with with a pigeon. Parrot was crying.



2. Parrot Trainer called animal control to follow up and was told a note was on the door and that they gave the owner a few tips and that's all they could do.
3. August 19, Parrot Trainer talked to a woman at the house. Woman at house thought the bird was fine under the deck. Did not think it needed to go to the vet. **Refused** help of training, birdie day care. August 20, talked to man, her brother who was the owner. Offered money, training, **bird** day care. Man said he was living with sister until he could find a new home. Said he'd consider training and bird care offer.
4. August 21-23, several reports were made to Animal Control online by Parrot Trainer. Animal Control called and said they could not do anything about it.
5. August 24, neighbor and Parrot Trainer still hearing Cockatoo crying in the middle of the day from the backyard deck decided to file a nuisance call to the Sheriff. Sheriff said they were busy and could not respond for a while. Parrot trainer went to backyard to take a look and found the Cockatoo in worse condition than first reported and surrounded by meat bees. Parrot Trainer removed the bird and cage from the premises and called the Sheriff to report. Two hours later Animal Control called and took a report over the phone but did not show up to investigate.

- 6. August 24, Under Parrot Trainer's care the Citron Cockatoo was showered, given first aide, cage cleaned, appropriate food.



- 7. Citron Cockatoo, from the Sumba Jungle in Indonesia, was very tame and very happy to have real food, clean cage, toys and sunlight.
- 8. August 25, 15hrs later Owner finally noticed the Cockatoo was gone. Approached the neighbor and the Parrot Trainer. Owner was told to go call the Sheriff. At ~1700 hrs the Officer Ishmael showed up and said that Animal Control instructed him to return the bird to the owners. Officer

Ishmael walked the owners and the bird back to the place under the deck with the budgies and pigeon.

9. August 27, Parrot Trainer went to visit Alexis at Animal Control. Alexis said there was nothing she could do because the law did not provide for it.

Using the current El Dorado County and State codes Animal Control failed to provide for these “home alone” animals and then upon the Custodian’s return from camping Animal Control was ineffective in improving the pet birds’ conditions. This went on for more than a week before coming to the attention of the Facebook page “Debating El Dorado County” then exploded into action to change the lack of ability of the EDC Animal Control Services to protect these Exotic Birds. The condition today of these birds is unknown as Animal Control has refused to intervene or do “Well-Birdie” check-up on them.

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**Not included in this package. Will be included in Draft5**

**List of Exhibits:**

- A. (summary) Sumba the Cockatoo, call to action**
- B. Debating El Dorado County Politics Facebook page screenshots**
- C. Expert Opinion of Photo’s and reported condition from Sara Fonda Wallace, Custodian Parrot Planet Rescue and Parrot Store**
- D. Witness statement by Witness #1**
- E. Witness statement by Witness #2**
- F. Witness statement by Neighbor #1**
- G. Witness statement by Rescuer**
- H. Interview of Animal Services Agent by Witness**
- I. Animal Control Investigative Reports**
- J. Sheriff Dept. Investigative Reports**
- K. City of Placerville Chicken Ordinance and attachments**
  - (1) Kirk Smith – various chicken aviary images (10 pages)
- L. Sec. 6.28.050. - Wild animals.**
- M. Title Title 6 (Animals) of the El Dorado County Code of Ordinances**
- N. PC597**
- O. City of Clovis Title 6 ordinance (enforcement)**
- P. www.mickaboo.org Guidelines for education of Parrot Caretaker and adoption criteria**
- Q. www.foothilldogrescue.org Guidelines for education of Dog Caretaker and adoption criteria [Provided as a Comparison to Mickaboo Parrot Caretaker Education.**
- R. Captured or Captive Bred Birds <https://www.peta.org/issues/animal-companion-issues/animal-companion-factsheets/captured-captive-bred-birds/>**

**Discussion: This discussion is provided to give Animal Control, care guidelines, for enforcement in the event of an investigation of neglect of “domestic raised, semi-wild pet Parrots, Parakeets and Cockatoos” to be able to make a decision for the safety of the Parrot by the temporary impounding of the bird, citation, and directed education of the “custodian(s)”.**

### **Intro, Parrots are Exotic Pets from the jungles**

Parrots, Parakeets and Cockatoos are jungle animals, and are not “domestic” to the United States. The one domestic to the United States, the Carolina Parakeet, a Yellow Headed Green Conure, similar to a Sun Conure, lived through-out the United States ranging from South Carolina to Colorado until their extinction in 1934. <https://theconversation.com/the-tragic-story-of-americas-only-native-parrot-now-extinct-for-100-years-93038>

Avian biology is very different from mammals/humans and their diets vary across species as much as any wild bird in El Dorado County. In the wild, many species eat buds, flowers, leaves, nectar, and stems as the major portion of their diet. You would not feed your dog hay, though both Dogs and Horses are Mammals. Though Parrots are “birds” that does not mean a simple smattering of “wild bird seed” will provide for the nutritional needs of these brightly colored and odd tropical, formally wild, exotic jungle flock animals. Their physiology is as sensitive as they are brilliant and ideally any Parrot Custodian should, in concept, have adequate training to keep a parrot. Being kept in a cage alone and fed seed only diets.

### **Examples of species specific diets and needs:**

- **Lorikeets are frugivorous.** They only eat fruit, berries, nectar and pollen in the wild. Pet lorries subsist on a mostly liquid diet, which results in liquid droppings. Their droppings are liquid. Formulated lory diets are available in bird-specialty stores.
- **Cockatoos are omnivores.** Require more than just commercial pellet feed. While there are some organic mixes of dried vegetables and fruits; often the best option for your bird are fresh foods supplementing a pellet diet. Nuts or seeds should be occasional treats, while fresh fruits and vegetables should be on the menu every day. Wild Bird seed is not an adequate food source for a Cockatoo.



- **Toucans Toucans, toucanets, and aracaris are frugivorous birds**, whose primary diet is fruit. In the wild they consume fruits from as many as 100 species of plants and trees. They also consume a variety of insects for protein, especially during their mating cycle. While it is impossible to even approximate their wild diet, they can easily be properly fed. Fruit will make up the bulk of their diet, and is absolutely necessary! Toucans have evolved a specialized digestive system to process fruit, and they get most of their moisture from fruit, not from drinking water. For that reason, toucans must be fed fresh fruit EVERY DAY! Seeds, on the other hand, MUST NOT be fed.
  - Toucans can be housed in or outdoors but are not “Winter” birds.
  - Pet birds may be kept in large cages and breeding pairs should be kept in even larger quarters. Dimensions for enclosures:
    - Toucanets - 4' x 8' x 4'
    - Aracaris - 8' x 12' x 8' or 8' x 12' x 6'
    - Larger toucans - 12' x 24' x 8'
- **African grey parrots** frequently suffer from calcium deficiency. An avian veterinarian can perform a blood test to measure your African grey's calcium levels. Almonds and broccoli are good sources of calcium for your bird. Calcium, Magnesium, Vitamin K and D work together. Use calcium supplements only on the advice of your avian veterinarian. Feather picking in African greys may be linked to a deficiency of the amino acid arginine, and the presence of red feathers where gray ones would normally appear may be due to a deficiency of lysine. Improving your African grey's overall nutrition may alleviate both conditions.
- **Amazon parrots , caiques and Pionus** parrots are prone to obesity and fatty liver disease. Premature deaths are often due to heart problems, fatty tumors or atherosclerosis. Just as people do, birds develop health problems attributable to diet. Amazon parrots in particular, often become junk-food junkies, almost instinctively recognizing potato chip bags and pizza boxes. Plenty of exercise and a carefully monitored diet are recommended for these potential perch potatoes!
- **Asian birds, such as Derbyan parakeets , Alexandrine and Moustached parakeets** flock to the Pandanus, or screw pine tree, in their southern range. Residents of the subtropical areas in the United States and elsewhere can harvest the big Pandanus fruits from local, unsprayed trees. You'll need a machete to split the tough outer husk! Screw pines (sometimes called screw palms) are sold as ornamental landscaping plants in nurseries.
- **Budgies (budgerigars or parakeets)** often suffer from obesity, fatty liver disease, goiter and hypothyroidism due to poor diets. Encourage your budgie to eat plenty of fresh fruit and vegetables along with a formulated

diet. Budgies often resist converting to a pelleted diet. Introduce a more healthful menu by clipping pellets and biscuits intended for larger birds to cage bars.

- **Cockatiels** are prone to vitamin-A deficiencies and fatty liver disease. Supply your cockatiel with plenty of vitamin-A rich fruit and vegetables, and incorporate pellets into their diet. Kale, broccoli, carrots, sweet potatoes and mangoes are good sources of vitamin A.
- **Conures, Parrotlets and Lovebirds** need a diet rich in vitamin K (turnip greens, broccoli, eggs, and peas).
- **Eclectus Parrots** thrive on diets rich in beta-carotene and vegetable protein and need a high dose of vitamin A, derived from whole-natural foods. They are hyper-chromatic, so don't feed them colored pellets, give them the natural ones.
- **Macaws** are attracted to colors, so offer a variety of colors and textures in their food. Fun foods like peas in the pods, green beans, yams and oranges keep macaws entertained. Give them a varied diet offering seeds, fruits, nuts, legumes and vegetables. Hyacinth macaws need hard-shelled nuts in their diets, such as palm nuts. Florida residents can collect these from their unsprayed palm trees.

## Parrots in the Wild

- While parrots are social and can enjoy the company of humans, they are not domesticated, meaning they have not been bred to live with humans nor to bend to our will. These are jungle animals. Parrots naturally behave as their counterparts in the wild do. This behavior can be understood and managed by the Custodian. Parrots respond well to "positive reinforcement", "clicker" or "target" training, and must not be "crushed" with a forceful response.
- Parrots are prey, flock animals. They seek safety in companionship and that's why they are "companionable" to their human as a social source and protection. Parrots have no sense of an alpha leader and no understanding of punishment other than to interpret it as "I'm going to get eaten." Their enclosures should be raised off the ground and provide them protection from predators. As prey animals, they are constantly vigilant, cautious, easily frightened, and unforgiving of mistreatment. And as prey animals, they will go to great lengths to hide illness as a survival technique. Caregivers must constantly be on the lookout for subtle signs of illness.

- Parrots are not mammals. Their body language is through beaks and feathers, not fur and teeth; and cuddling with them can have very negative consequences.

### **Parrot Nature**

- Parrots are born to be vocal, in order to warn and communicate with other members of the flock across great distances. Parrots will be loud and it is their nature. Again, this can be managed by understanding the reason for the vocalization and using positive reinforcement clicker training to manage it.
- Because parrots are naturally curious and inquisitive, they **usually** like to play, meaning explore and chew on just about anything that strikes their interest. In caregivers' homes this behavior is seen as **destructive**, but must be understood as natural and handled in an appropriate manner.
- In the wild, birds forage and drop or toss food. In **our** homes, happy birds also toss food and toys, usually creating quite a **mess!** Again, this is a natural instinct, and foraging and playing **should** be encouraged. Potential caregivers need to be aware of and prepared for this.

### **Parrot Needs**

- SunLight access 8-10 hrs a day. **Parrot** vision is very sophisticated and surpasses that of humans; **and their** lighting needs are greater than those of mammals and humans. **Lighting** affects their behavior, their diet, their sleep, their molting, **their health**, and their reproductive instincts. Improper lighting can **permanently** damage your parrot's eyes. Parrots need access to **sunlight** and should be able to regulate themselves. Squawking is **typical** at sun-up and sun-down. Placing pet bird in smaller sleeping cage **for** night, covered and in a dark quiet room, will help give the bird **better sleep** to improve health and personality.
- Parrots **have** long life spans. Depending on the species, parrots can live 20 to **50 years** or more. Caring for a bird is often a life-long responsibility that **should not** be entered into lightly, or without planning for their future.
- **Parrots** are extremely social animals, and have been compared to human **toddlers** in the needs of their emotional and social lives but, unlike children, they never grow up and they chew through that many toys.
- Parrots are active and inquisitive and require ample room to move about and play. An indoor or sheltered outdoor aviary, or a flight safe room (windows covered, no cats/dogs, no ceiling fans, etc.) that will allow the bird(s) to fly is good for exercise. Birds with clipped wings can get exercise by climbing, swinging, and flapping, if provided with ample space, toys, and climbing structures. Training helps with re-directing destructive

behaviors.

### **Parrot Diet**

- Diets vary across species.
- All birds need a varied diet, not just seeds and/or pellets.
- Some eat everything that many humans eat, others only subsist on fruits.

### **Parrot Health and Safety**

- The parrot respiratory system is particularly sensitive to air quality. Sources of toxic fumes include mold, Febreze, and Teflon coatings found on everything from pans to clothes, irons, hair dryers and microwave popcorn bags. While mere exposure to toxic inhalants can **cause** immediate death, chronic exposure can lead to premature death. **Recommend** using stainless steel or iron skillets. If bird is kept outside **the bird should be kept safe from predators, and allowed to regulate sun-exposure and shelter.**
- Birds require specialized veterinary care from **Avian** veterinarians. Proper vet care for birds can be expensive, and **regular** checkups are a must particularly if the bird is exhibiting **feather plucking**. Small birds require the same vet care and regular examinations as larger pets.
- Chlamydiosis (psittacosis) and **avian tuberculosis** can be transmitted through the air from birds to **humans**. And birds also continually shed "feather dust" which are **particles** of feathers that can aggravate asthma in some people. Many homes **with** pet birds have HEPA-type air filters in rooms with birds to **control allergies** from bird dander.

**Staff Review:** Staff has reviewed related ordinances regulating the keeping of Exotic Birds from the various cities in California including Clovis <https://www.codepublishing.com/CA/Clovis/html/Clovis06/Clovis0601.html#6.1.503>, San Diego. Staff has also reviewed adoption policies of and consulted with Parrot Rescues such as: [www.Mickaboo.org](http://www.Mickaboo.org), [www.ParrotPlanet.com](http://www.ParrotPlanet.com), and for comparison as a currently accepted program in El Dorado County [www.foothilldogrescue.org](http://www.foothilldogrescue.org) of Shingle Springs. Another resource for services and protection that Animal Control adheres to is the "Chicken Keeping Ordinance of the City of Placerville" which served as a basis for this ordinance since it provided for better living standards that what this cockatoo was experiencing. The Sumba the Cockatoo Commission, is asking the BOS to review the draft ordinance for approval.

**Public Comment:** As of the completion of this staff report, staff is in receipt of \_\_\_\_\_ public comment....

**Environmental Review - CEQA:** These draft ordinance amendments are categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) under the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. A project that would otherwise fall within a categorical exemption is not exempt if “there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances” (CEQA Guidelines Section 15300.2(c)). No evidence has been presented of unusual circumstances that would create a reasonable possibility that the ordinance would have a significant effect on the environment.

**Staff Recommended Planning Commission Action:**

1. Conduct a Public Hearing to receive comment regarding the request.
2. Recommend to BOS to approve the text amendments to Title 6 *El Dorado County Zoning Ordinance*.

**PROPOSED ORDINANCE**

**6-18: KEEPING AND MAINTENANCE OF EXOTIC BIRDS:**

*The below is adapted from City of Placerville “Chicken Keeping Ordinance”*

- (A) Purpose: The purpose of the Ordinance is to establish regulations for the keeping of Exotic Birds (such as Parrots, Cockatoos, Toucans, Lorikeets, Parakeets and other such exotics requiring enclosed structures [not free-ranging] in residentially zoned parcels and species specific conditions (food, environment) while protecting the public health and safety, and the health and safety of the Exotic Birds, through specific standards regarding sanitation, space, and proper animal husbandry.
- (B) General: It is unlawful to keep, possess, or maintain Exotic Birds on any parcel of property located in the County, except in accordance with the regulations, standards, and restrictions proscribed in this Section. Breeding large numbers is not permitted on any developed lot used exclusively for residential purposes unless subject to the exemptions under subsection (?), or as permitted by conditional use permit under subsection (?).
- (C) Applicability: The restrictions and regulations herein shall only apply to the keeping of Exotic Birds in single-family residentially zoned

parcels not otherwise permitted in the particular zone district or as exempted under subsection (E).

(D) Development Standards:

- a. A maximum of number of Exotic Birds is determinate by size (see table ???) may be kept on a developed lot used exclusively for residential purposes; and, provided further, that the keeping of Exotic Birds shall not create a health or nuisance problem.
- b. All Exotic Birds shall be provided an aviary, or other enclosure, and adhere to the following performance standards.
  1. Any enclosure or other accessory structure exceeding 120 square feet shall not be constructed without first obtaining a building permit.
  2. Perches provided, minimum 3 ft off the ground in stationary enclosure required. The interior of any enclosure shall include ~~nesting boxes of three to five square feet shall be~~ available for each Exotic Bird.
  3. Any outdoor stationary aviary enclosure shall be a minimum of 1 foot longer than the bird is able to spread its wings and flap un-obstructed.
  4. Stationary Enclosures must have four walls allowing bird to have free access to sunlight and a roof, to shelter the bird from the elements, and be constructed of suitable material.
  5. Any enclosure shall be maintained in good repair.
  6. Outdoor stationary (PERMITTED) Aviary enclosures shall ~~maintain at least 20 feet from any dwelling unit on an adjacent parcel. Any enclosure shall be restricted to either the rear or side yard and shall not be visible from a public street.~~
  7. **Enclosures shall at all times be maintained in a clean, sanitary condition, and free from offensive odors. An odor is offensive if it can be detected at 3 ft from the enclosure.**
  8. **The interior of enclosures shall include perch(s), species specific feeder(s), water, and adequate ventilation at all times.**
  9. **All bird manure, feces, skins, feathers, and related detritus shall be removed and disposed of in a sanitary manner within 24 hours of occurrence.**
  10. **All exotic bird feed stored outside the residence shall be secured and stored in air-tight containers and shall not be accessible by other animals, wild or domestic.**

11. Exotic Birds shall be controlled and maintained at all times to protect the animals from injury, restrict entrance of other animals and predators, and prevent the escape of animals.
- (E) Exceptions to Restrictions: This Section shall not apply to the following:
- (F) To any parcel of property zoned for agricultural uses by provisions of the El Dorado County Zoning Ordinance in accordance with the General Plan; or to any property zoned Estate Residential (RE) or Single-Family Acre Residential Zone (R-1A).
- (G) Where keeping, harboring, or maintaining Exotic Birds would constitute a valid nonconforming use under the applicable provisions of the El Dorado County Zoning Ordinance.
- (H) **All animals shall be treated in a humane manner at all times. Persons engaged in animal abuse, neglect, or otherwise in violation of Section 597(f) of the California Penal Code, shall be subject to enforcement and penalties under the applicable provisions of the El Dorado County Code and/or Title 6 – *Animals of the El Dorado County Code.***
- (I) The premises and housing for keeping the wild animal are in a clean and sanitary condition, and any wild animal will not be subject to suffering, cruelty or abuse; Sec. 6.28.050. - Wild animals. iii.
- (J) CITATION AND REMEDIES  
BIRD CARE CLASS (BIRDIE TRAFFIC SCHOOL)
- a. **UPON ANIMAL CONTROL SERVICES INVESTIGATION OF A COMPLAINT LODGED BY A CITIZEN, A “CUSTODIAN” OBSERVED TO BE KEEPING A PET EXOTIC BIRD IN CITABLE CONDITIONS DESCRIBED BY SECTION (F) ABOVE, THE “CUSTODIAN” SHALL BE GIVEN THE OPTION OF BIRD CARE SCHOOL OR CITED FOR CRUELTY AND THE BIRD IMPOUNDED (this section is modeled after the Traffic School laws and City of Clovis Enforcement for neglect, <https://www.codepublishing.com/CA/Clovis/html/Clovis06/Clovis0601.html#6.1.503>)**
- b. **THE CLASS CURRICULUM WILL COVER THE FOLLOWING SPECIES SPECIFIC TOPICS :** · Behavior · Biting · Clipping Wings · Feather Plucking · Reading Bird Body Language ·

Screaming · Taming and Training (clicker/target) · Winning a Bird's Trust · Species specific Diet · Eating Problems · Foraging for Fun and Health · Pellets · Sprouting Made Simple · Veggie and Grain Mix Recipe · Environment · Health · Emergency Veterinarians · Avian Veterinarians · Bathing & Temperature · Bird Seizures, What to Do · Breeding · Clipping Wings · Discouraging Egg-Laying · Emergency Care · Poopology, Reading the Papers · Psittacosis · Quarantine · Symptoms of Illness · Visually Sexing a Cockatiel and other birds · Rehoming, Rescues & Moving · Safety · Lost & Found Birds

(K) Animal Control will issue the subject "Custodian" a **completion** certificate for attending the Bird Care Class defined in (H)(b). **CLASS CAN BE AN ONLINE CLASS OR IN PERSON.**

(L) Failing to attend the Bird Care Class will escalate the citation to a fine of \$100.00 and the failure retained in Animal Control's record on the subject "Custodian" and the Parrot involved, **WITH possible** seizure of the Parrot as a Third escalation.

(M) Conditional Use Permit Required: **Any** person seeking to deviate from the regulations and standards set forth in this Section may only engage in the keeping of Exotic **Birds** upon approval of a Conditional Use Permit.

(N) Seized or temporarily impounded birds will be referred to an exotic bird rescue for care and housing until final determination.

(O) Recommendations:  
a. **Optional: Parrot leg Band Registry** to be added to Animal Control Services Registry. \$10 to register bird.

(P) For educational purposes Animal Control Services may suggest to a "Custodian" Bird Care Class as a recommended remedy without negligence being found. This suggestion is only for educational purposes of the "Custodian" and to improve the well-being of a bird and does not go on the "Custodian's" record.

(Q) Severability:  
1. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.  
2. The BOS hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause



thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.



# Sumba the Cockatoo...

## Appreciating the Citron Crested Cockatoo

- Citron Crested Cockatoo, comes from the Jungles of Sumba Indonesia, an Island. (lesser orange crested cockatoo)
- Less than 1000 left wild in the jungle (on the Endangered species list)
- Considered sacred to the Indonesian Natives of Sumba
- Protector of souls on their way to Heaven
- Only distributor of a particular tree that is also considered sacred by dropping the fruit around the jungle
- Highly intelligent (Cockatoos have the intelligence of a toddler)
- Can live over 80 years
- Highly social, live in flocks and can bond to their mate for life



# Cockatoos are highly intelligent, social and use their feet as hands

- Youtube of man feeding wild Australian Greater Sulphur Crested Cockatoos



<https://www.youtube.com/watch?v=2735-wd>

**BOSone@EDCgov.us, BOStwo@EDCgov.us,  
BOSthree@EDCgov.us, BOSfour@EDCgov.us,  
BOSfive@EDCgov.us, edc.cob@edcgov.us**

- ✓ **Regarding the Citron Cockatoo under deck of house in Diamond Springs that Animal Control was untrained for a PC597 call to protect an "Exotic Bird".**
- ✓ **We support a way to train Animal Control about the care of Exotic Birds, to improve the bird's living conditions, Cite the owner and send to "Bird Care School" supported by local Rescue.**
- ✓ **We support a way for Animal Control to impound the Cockatoo so that it could receive Veterinary care.**
- ✓ **We support a follow up "well-birdie" visit on a PC597 call.**
- ✓ **We support improving the living conditions of the Parakeets and pigeon under the deck.**



3 Budgets, minimal food and water. Tropical birds kept under deck 24/7

1) 6M "home alone" FOR DAYS on ground where predators can pull him out of cage. UNSAFE

2) unsanitary conditions

3) Bad dirty, bloody, raw, showing signs of biological and psychological stress

4) improper food


5) DID WE SAY UNSANITARY?

6) SEVERAL PC579 CRUELTY TO ANIMAL CODE VIOLATIONS

## Predators



**Facebook/sumba the cockatoo**



EDC  
Proposed Exotic  
Bird Ordinance  
and Animal  
Control  
Education

Story of Sumba the Cockatoo

**Problem: Animal Control has inadequate training and support to make a PC597 determination.**

# Citron Crested Cockatoo Friday, Aug 24, rescued, cleaned-up, celebrating



REMOVED  
FROM  
UNDER DECK

1) After bird removed from under deck,  
2) immediate contact is maintained. 3) full-time  
care. 4) 24-hour care. 5) 24-hour care. 6) 24-hour  
care. 7) 24-hour care. 8) 24-hour care.



CLEANED UP  
and  
CELEBRATING



# Predators



3 Buckets, minimal food and water Tropical Birds kept under deck 24/7

1) I'M "HOME ALONE" FOR DAYS on ground where predators can pull him out of cage. UNSAFE

2) unsanitary conditions

3) Bad dirty, bloody, raw, showing signs of biological and psychological stress

4) improper food

5) DID WE SAY UNSANITARY?

6) SEVERAL PC579 CRUELTY TO ANIMAL CODE VIOLATIONS


...the tiger is a predator and should be kept in a natural environment where it can hunt and be hunted. The current conditions are inhumane and violate the Animal Welfare Act. The tiger is a predator and should be kept in a natural environment where it can hunt and be hunted. The current conditions are inhumane and violate the Animal Welfare Act. The tiger is a predator and should be kept in a natural environment where it can hunt and be hunted. The current conditions are inhumane and violate the Animal Welfare Act.

Facebook/sumba the cockatoo



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EDC  
Proposed Exotic  
Bird Ordinance  
and Animal  
Control  
Education

Story of Sumaa the Cockatoo

**Problem: Animal Control has inadequate training and support to make a PC597 determination.**



**FDC  
Proposed Exotic  
Bird Ordinance  
and Animal  
Control  
Education**

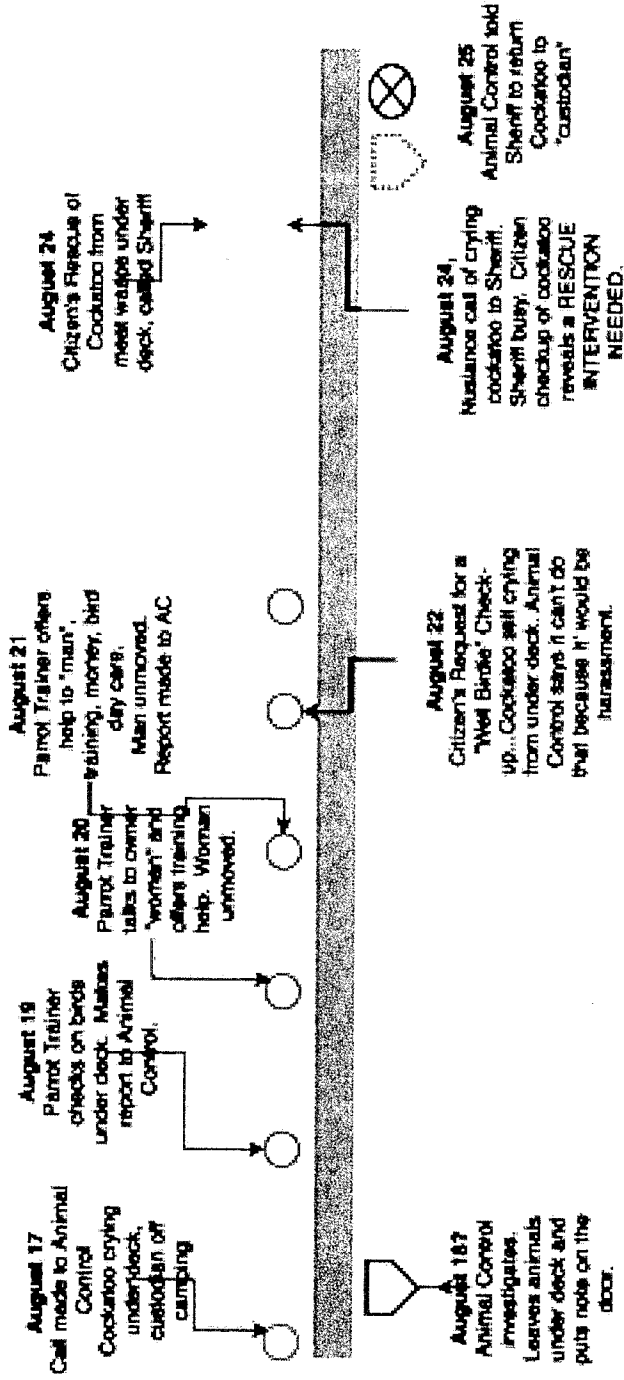
Story of Sumba the Cockatoo

**Problem: Animal Control has  
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# Timeline of events: We do not know what happened to Cockatoo after Animal Control ordered Sheriff to Return to "custodian"



## **How long would it take you to notice that your pet is missing?**

- You just came home with your family after going out to dinner...
- How long would it take you to notice your pet is missing?
- 1 minute? 5 minutes? 15 minutes? 1 hr? 5 hrs?

# Poll on Facebook: NorCal Parrot Parents “you just got home after going out to dinner...how long would it take you to notice your pet was missing?”

You just got home from going out to dinner...how long would it take you to notice your pet was missing from their cage?

about 2 secs after walking in the door

Michael Eric Carmichael



1 minute?



Right away

Gregory Bernard



5 minutes?



After he flies to my shoulder upon entering the house

Erica Nicks



5 hrs?

John Doe



15 hrs?

John Doe



**Zero answered  
more than 5  
minutes.  
Keep this in mind  
for later.**

# Aug. 17, Animal Control call, PC 597, crying parrot under deck

Call Number: 118 580 PM  
Personnel: J. ...

Friday  
8:30 PM



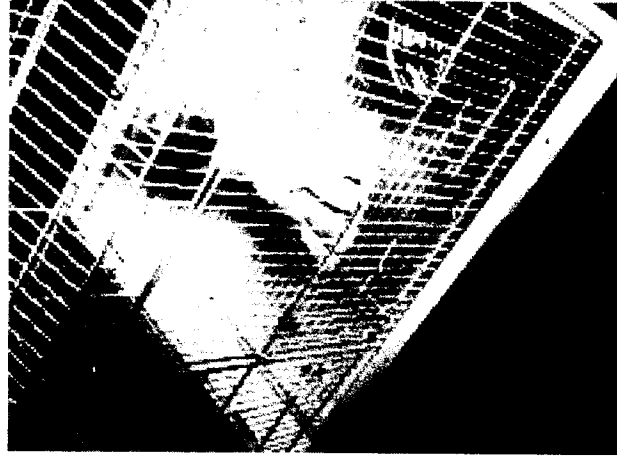
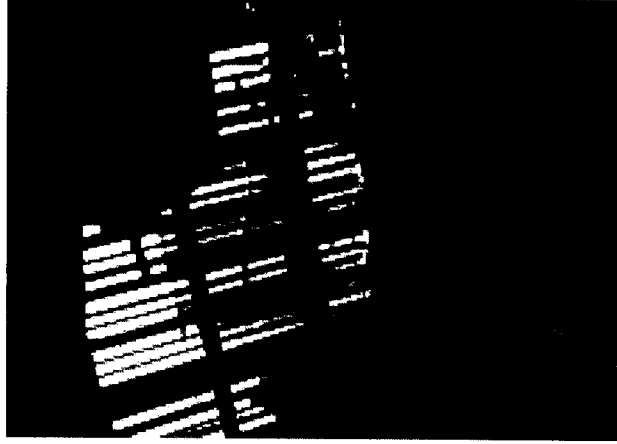
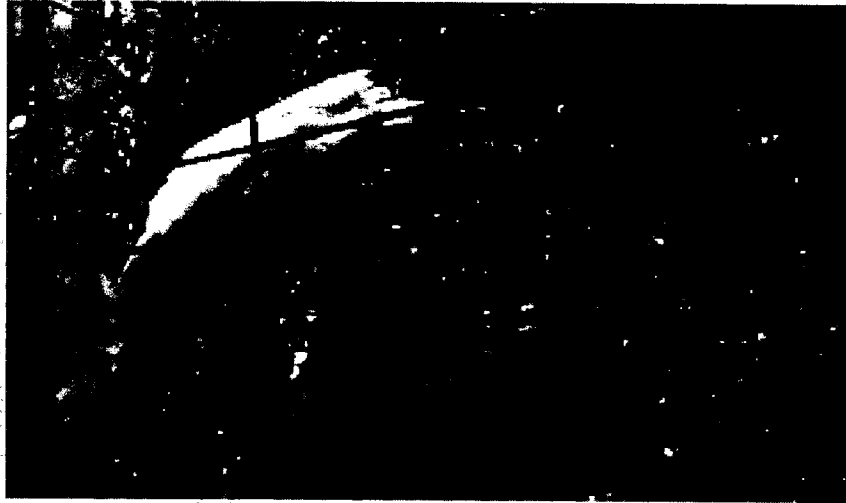
- August 17, next door neighbor called Animal Control reporting a parrot crying from under the deck of a house, the owners had been gone for several days camping.
- Animal Control responded, checked on the noises under the deck, found the parrot had food and water. No-one home. Left a note on the door and left the Parrot under the deck.



## **Animal Control, PC 597, Bird Under Deck...same day after call**

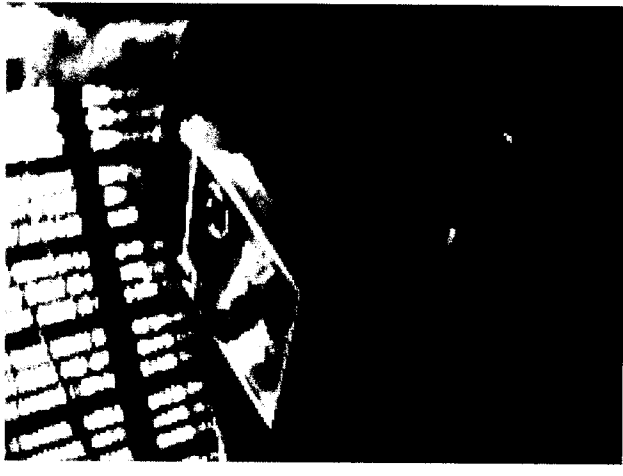
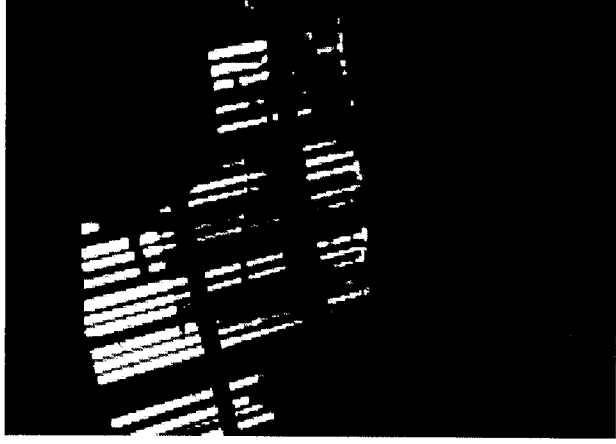
- August 19, reporting neighbor told another neighbor, an experienced Parrot Trainer, about the Parrot that Animal Control left under the deck of the house
- The Parrot Trainer checked under the deck after Animal Control left the note...
- Parrot Trainer made online report to Animal Control of what was found...

August 19, found under the deck of the house.  
Cockatoo clearly needed vet care, dried blood,  
plucking, starving. Animal Control did nothing?



Cockatoo clearly needed vet care, pigeon locked in finch cage.

The subject "custodian" household is "well-to-do"  
big house, with new cars, motorcycles, grand-  
children playing in the yard...while this was under  
the backyard deck!!!!!! (~August 14-26)



Cockatoo clearly needed vet care. pigeon locked in finch cage. budgies need vitamin D.

# Online report to AC made by Parrot Trainer

- Online report, Cockatoo crying from under house deck
- Return call from Animal Control... "yes conditions deplorable...sorry we can't do anything"
- Parrot Trainer visited custodian #1 the woman... "he likes it under there..."
- Parrot Trainer visited custodian #2 the woman's brother "keeping it under deck until he can find a place of his own"? PT offered custodian help, training, birdie day care to improve parrot's conditions. Offered to buy Cockatoo, budgies and pigeon.
- Online report. AC again said they couldn't check on the cockatoo...that it would be harassment, even if the conditions hadn't improved.

## **August 24, Citron Crested Cockatoo, still crying under deck, 5 days later**

- Aug 24, Friday, bird still crying from under deck...nuisance call to Sheriff. Sheriff was busy so caller checked on Cockatoo.
- Cockatoo found in worse condition, surrounded by meat wasps,
- Parrot Trainer removed the cockatoo, cage and all
- Took it back to house, immediately called to Sheriff and reported to Animal Control
- Animal Control took report over phone and said "thank you for saving the bird" they would come look.
- **Animal Control never showed up.**

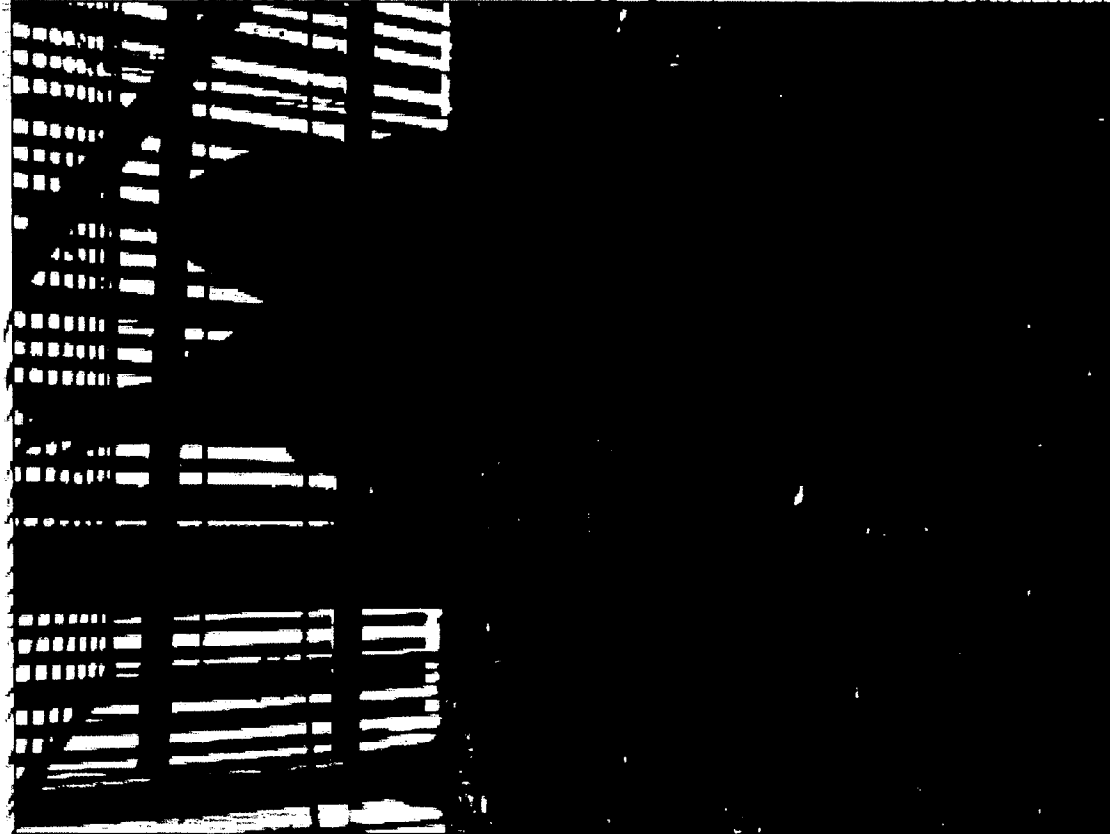


How long did it take the cockatoo's "owner" to notice?????

To notice their endangered species Citron Cockatoo was missing from time of removal from meat wasps...

**15 hours!**





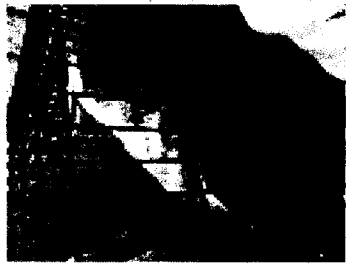
**EDC  
Proposed Exotic  
Bird Ordinance  
and Animal  
Control  
Education**

Story of Sumba the Cockatoo

**Problem: Animal Control has  
inadequate training and support  
to make a PC597 determination.**







Why did AC believe they were powerless to help the cockatoo and friends?



- What would have happened to the Sumba Cockatoo with exposed wounds surrounded by meat wasps if it was left under the deck for 15 hrs more?
- **Request for BOS Investigation of Animal Control Services and report to the public.**

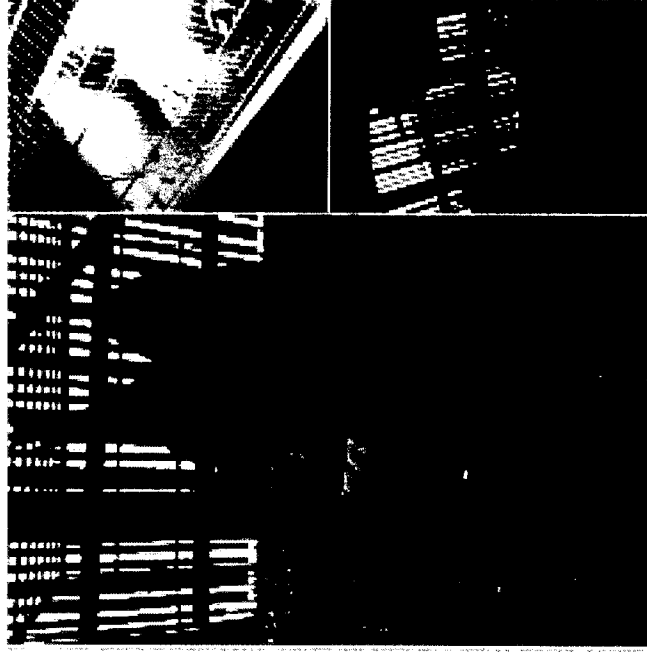


# August 24, Cockatoo Rescued August 25, Animal Control ORDERS RETURN to negligent owner without first investigating.

August 25, Animal Control  
ordered the Sheriff to  
return the Citron Cockatoo  
to the abusive "owner".

To the right is the Facebook  
Response on August 25.

traps" around it. Animal Control needs to do something about this  
situation. This roosting bird was crying from under the deck. Can hear  
bubbling and see pigeon cage. Animal abandonment is well  
documented. BIRD NEEDS TO GO TO VET!



8/25/24

TCR Comments 17 Spikes

# Elements of PC597 all there. Why didn't Animal Control Act?

- 1) Un-sanitary Conditions (cage floor was an inch thick of mess, droppings, bugs and stunk)
- 2) **Needing Veterinarian Care** (dried blood on nose, raw, opened wounds, broken blood feathers, dirty feathers, frayed tail feathers, fresh plucking, old plucking, dry skin)
- 3) "Home alone" in an open wire dog cage on the ground, **unsafe conditions, exposed to predators**
- 4) Flock animal alone, freaked out, nervous, frightened, self-mutilating,
- 5) **Improper food for a "Citron Crested Cockatoo"**, being fed wild bird seed (too small for Cockatoo),
- 6) **Under backyard deck 24/7**, extreme temperatures, alone, alone, alone
- 7) Custodian didn't change Cockatoo's living conditions after Animal Control "talked to them" on the phone. Custodian was unmoved by neighbor offering help of training and care. Several online reports to Animal Control. It wasn't until over a week later when the the story broke on Facebook, that the Custodian changed the conditions and according to Animal Control **put the cockatoo in the "shed"**.

## **Animal Control: What did they need to do something? PC597-599**



- Animal Control explained to the interested parties that the cockatoo, budgies and pigeon had Food and water...
- "Conditions deplorable but adequate"
- "Sorry can't do anything..."
- Why didn't Animal Control ask for guidance? Or an improvement in the law?

# Review: PC 597

## Animal Control Services powers

– <http://www.criminalinfolaw.com/animal-control-services/>  
– <http://www.criminalinfolaw.com/animal-control-services/>

- West's Annotated California Codes. Penal Code. Part 1. Of Crimes and Punishments. Title 14. Malicious Mischief. § 597. Cruelty to animals
- West's Annotated California Codes. Penal Code. Part 1. Of Crimes and Punishments. Title 14. Malicious Mischief. § 597.1. Failure to care for animals; misdemeanor; powers and duties of local officers and veterinarians; hearings; liability for costs; forfeiture



# Review: EDC Title 6 Bird mentioned once under "Wild Animals"

## – Sec. 6.04.020. - Definitions.

- The words and terms used in this title shall have the meaning indicated as follows unless the context clearly indicates otherwise:
- *Animal* includes any domesticated animal or captive wild animal.
- *Animal abuse* shall be understood to mean any violation of Penal Code §§ 597 and 597.1.

15 - ANIMALS

SEARCH Q

NOTIFICATIONS of SIGN IN HELP

5:54:06 PM 10/10/2014

### Sec. 6.28.050. - Wild animals.

- A. Applicability. The provisions of this section shall govern all aspects of the possession and keeping of wild animals within the County.
- B. Definition. As used in this chapter, and in conformity with Fish and Game Code § 21114, the term "wild animal" means any animal of the class *Mammalia*, class *Mammalia* (excluding class *Artibeus* f. *leucotis*, suborder *Chiroptera*, class *Chiroptera* (excluding class *Myotis* f. *lucifugus*), class *Mammalia* (excluding class *Artibeus* f. *leucotis*), class *Mammalia* (excluding class *Artibeus* f. *leucotis*), class *Mammalia* (excluding class *Artibeus* f. *leucotis*) or class *Eurostomus* (excluding class *Eurostomus* f. *leucotis*).

# El Dorado County Job Description

## SUPERVISING ANIMAL SERVICES OFFICER

### DEFINITION

Under direction, assigns, supervises, reviews, and evaluates the work of Animal Services Officers and animal shelter staff; enforces state and County laws regarding stray, dangerous, and nuisance domestic animals; investigates complaints, patrols assigned areas, captures animals, and ensures humane animal protection and control; and performs related duties as assigned.

- Explains state and local laws, codes, and ordinances relating to the care and control of animals, filing of complaints, and policies of the shelter to the public.
- Issues citations for violations of applicable regulations; patrols assigned areas operating County vehicles.
- Conducts an initial investigation of complaints regarding animal cruelty; investigates animal bites and arranges for appropriate identification and quarantine.

# EXAMPLE: City of Clovis

## Chapter 6.1 ANIMAL REGULATIONS\*

### Sick, injured or mistreated animals

- **6.1.403 Sick, injured or mistreated animals.** Upon discovery of a sick, injured or mistreated animal, the Animal Services Officer may seize and impound such animal in accordance with the provisions of California Penal Code Section 597.1. (§ 5, Ord. 00-31, eff. January 10, 2001; as amended by § 1, Ord. 09-10, eff. July 1, 2009)
- **6.1.407 Notice to owners of impounded animal.** Within a reasonable time, consistent with the purposes of this chapter and State law, after the impounding of any animal, the owner, if known, shall be notified of the time and place of the seizure either in person, by telephone, or by United States mail. If the owner of the animal is unknown, written notice shall be posted for not less than four (4) consecutive days in a conspicuous place outside the Animal Shelter. (§ 5, Ord. 00-31, eff. January 10, 2001; as amended by § 1, Ord. 09-10, eff. July 1, 2009. Formerly 6.1.406)



# EXAMPLE: City of Clovis

## Chapter 6.1 ANIMAL REGULATIONS\*

**6.1.502 Cage and pen requirements.** No person shall keep or maintain any live animal in a cage, coop, hutch, pen, yard or space which is less than three (3) times as large in floor space as the total size of all live animals which may be kept therein, and which is not of sufficient height to permit each animal to stand in a natural erect position. This section shall not apply to the Animal Shelter, nor shall it preclude a veterinarian, any person engaged in showing animals, or an animal groomer from temporarily confining an animal in a smaller container for medical, showing or grooming purposes. (§ 5, Ord. 00-31, eff. January 10, 2001; as amended by § 1, Ord. 09-10, eff. July 1,

**6.1.503 Sanitary enclosures.**(a) Every person keeping any animal shall at all times keep cages, coops, hutches, pens, yards or other enclosures wherein such animal is kept in a clean and sanitary condition, and shall remove excreta and manure therefrom every day, or as often as is necessary so as not to become a nuisance in the neighborhood or to any person in the neighborhood.(b) No person shall at any time maintain any lot or other premises, or any portion thereof, in the City, upon which any animal is kept in an unsanitary condition or in such condition as to cause the same to be infested with flies or insects or to create any noxious or offensive odors. (§ 5, Ord. 00-31, eff. January 10, 2001; as amended by § 1, Ord. 09-10, eff. July 1, 2009)

# EXAMPLE: City of Clovis

## Chapter 6.1 ANIMAL REGULATIONS\*

– **6.1.509 Animal care(a)** No owner shall fail to provide his/her animals with adequate food and water, proper, clean, and sanitary shelter, protection from the weather and veterinary care when needed to prevent suffering. The humane care and treatment of all animals shall be maintained at all times.(b) Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area. If the animal is restricted by a chain or leash, the chain or leash shall be affixed in such a manner that it will prevent the animal from becoming entangled or injured, in such a manner that it will permit the animal's access to adequate shelter, food and water, and in accordance with Health and Safety Code Section 122335. (§ 5, Ord. 00-31, eff. January 10, 2001; as amended by § 1, Ord. 09-10, eff. July 1, 2009)

**6.1.510 Animals not to be abused.** No person shall beat, cruelly ill-treat, torment, tease, overload, overwork or otherwise abuse an animal, nor cause, instigate or permit any dogfight, cockfight, or combat between animals or animals and humans, excluding police canines, within the City, nor shall any parent allow or permit his/her minor child to so treat any animal. (§ 5, Ord. 00-31, eff. January 10, 2001; as amended by § 1, Ord. 09-10, eff. July 1, 2009)

# Review: Placerville Chicken Ordinance

## Keeping Chickens in the City of Placerville

On October 11, 2016, the City of Placerville amended its City Code to allow the keeping of chickens (and roosters) within single-family residential zoned parcels, not already zoned for agricultural use or properties zoned Estate Residential (RE) or Single-Family Acre Residential Zone (R-3A). The specific regulation 10-4-08: Keeping of Chickens (Feb. 1989) may be viewed under Chapter 4, Section 18 of the code.

A maximum of six (6) hen chickens may be kept on a developed lot used exclusively for residential purposes as long as the keeping of the hen chickens does not create a health or nuisance problem.



## How Do I Properly Care for My Chickens?

Chickens require sustained and regular care.

They will need to be sheltered, since they are sensitive to the heat and the cold. The chickens will need shade during the hot season and some form of insulation for the cold seasons. A nice bedding provides added comfort and warmth but should be changed regularly.

They need protection from predators. They can fall prey to dogs, cats, foxes, raccoons, opossums and other predators.

Water needs will appear to be minimal, but in fact, they need to be watered daily. They need to be able to drink and eat at all times. They need to be able to eat and drink at all times. They need to be able to eat and drink at all times. They need to be able to eat and drink at all times.

Chickens require Veterinary care just like dogs or cats.

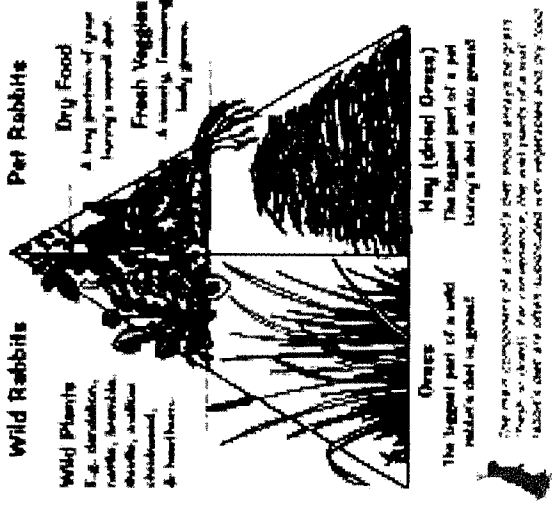
Excellent health is a must when raising chickens. Birds need to be fed fresh water daily.

Feed and Water. Birds need to be able to eat and drink at all times. They need to be able to eat and drink at all times. They need to be able to eat and drink at all times. They need to be able to eat and drink at all times.

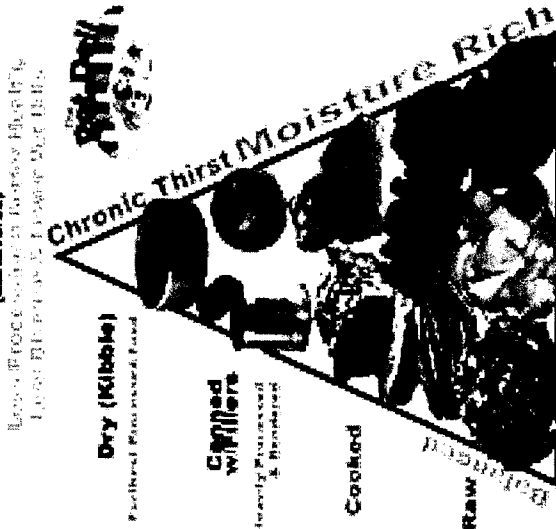
- Enclosures shall at all times be maintained in a clean, sanitary condition, and free from offensive odors. Odors must not be detected by the adjoining property(ies).
- Interior enclosure requirements include chicken roost(s), feeder(s), water, and adequate ventilation at all times.
- Chickens need to be confined to the owners property at all times, thus protecting the animals from injury, preventing their escape, and entrance of other animals and predators.

# Dogs, Bunnies and Horses are mammals with four legs. Would you feed your dog hay?

## Comparing Wild Rabbits & Captive Rabbits



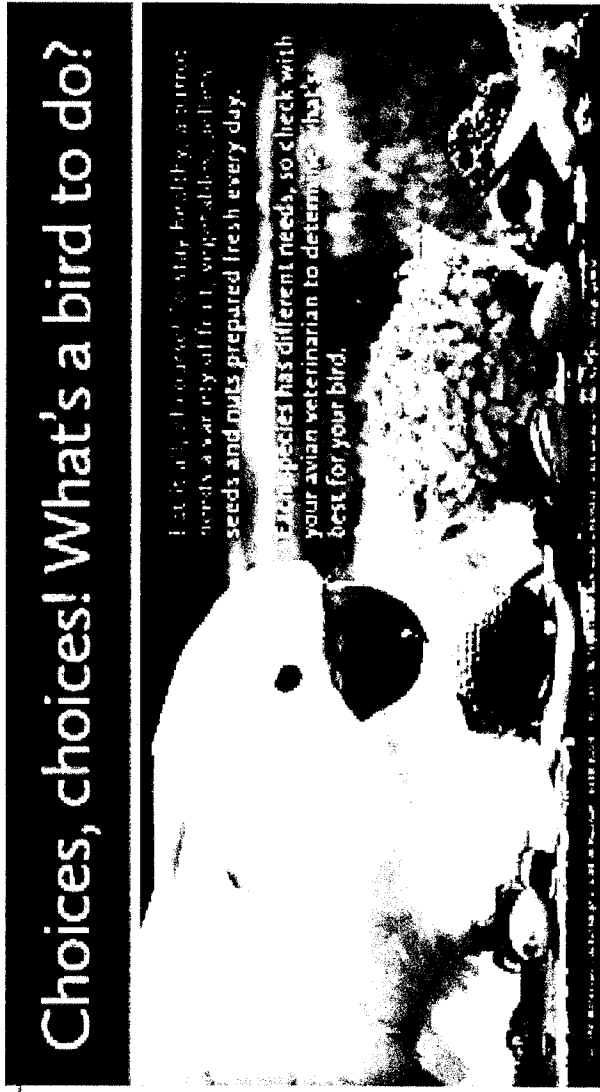
## Healthy Pet Food Pyramid For Cats & Dogs (continued)



© 2008 Petland Inc. All rights reserved. Petland Inc. 10000 E. 15th Ave. Denver, CO 80231 USA

What is "adequate care" for a cockatoo?

## Is Animal Control qualified to make the call????



HI ALTH • EDU • UNDERSTANDING FOR PARROTS

<http://www.forparrots.com/2012/07/02/food-for-parrots/>

# Animals are “Property” but they are not refrigerators?

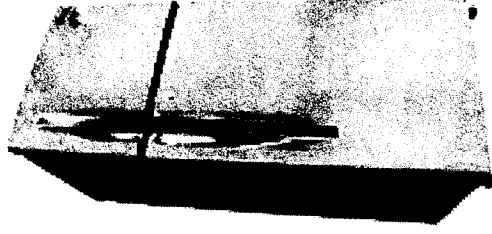
Whether captured in the wild or born in captivity, parrots are not domesticated animals like cats and dogs. They are still wild animals. Their natural curiosity, sensitivity, intellect, playfulness, and ability to form bonds with humans can tempt people to keep them in captivity.

**Bird-brained? Cockatoos filmed making wooden tools to reach food**

Cockatoos have been filmed sculpting sticks to reach food that is out of their reach by Oxford University



*University of Oxford researchers have filmed cockatoos sculpting sticks to reach food that is out of their reach. The birds are shown using their beaks to shape the sticks into a hook-like shape that can be used to reach the food.*



# **If you run a stop sign: Traffic Violator School VEH 42005**

- (d) A person ordered to attend a traffic violator school pursuant to subdivision (a) or (b) may choose the traffic violator school the person will attend. The court shall provide to each person subject to that order or referral the department's current list of licensed traffic violator schools.
- (e) A person who willfully fails to comply with a court order to attend traffic violator school is guilty of a misdemeanor.

**If Animal Control finds pet in poor condition, they should be able to send owner to: Pet Care School**



- Impound pet and/or
- Cite the owner to attend  
"Bird Care School"
- He hops when you mouse  
over 😊



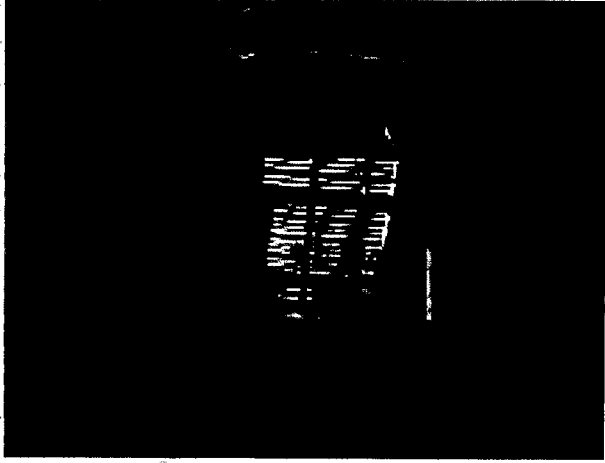


# What Parrot Care School would look like...

· Behavior · Plumage Health ·  
Reading Bird Body Language ·  
Screaming · Taming and Training  
(clicker/target) · Winning a Bird's  
Trust · Species specific Diet · Eating  
Problems · Foraging for Fun and  
Health · Pellets · Sprouting Made  
Simple · Veggie and Grain Mix  
Recipe · Environment · Emergency  
Veterinarians ·

Avian Veterinarians · Bathing &  
Temperature · Bird Seizures, What to  
Do · Breeding · Biting · Clipping  
Wings · Discouraging Egg-Laying ·  
Emergency Care · Poopology,  
Reading the Papers · Psittacosis ·  
Quarantine · Symptoms of Illness ·  
Visually Sexing a Cockatiel and other  
birds · Rehoming, Rescues & Moving  
· Safety · Lost & Found Birds

**It's 57 degrees at night in Diamond Springs  
...do you know where your half-naked  
endangered species citron cockatoo is?**



- As of today the budgies and the pigeon are still under the deck!
- The where-a-bouts of and condition of the Citron Crested Cockatoo are unknown and unverified by Animal Control. Last place known by AC was "stored in the shed".

**It's 57 degrees at night in Diamond Springs  
...do you know where your half-naked  
endangered species citron cockatoo is?**



**– Request of BOS:**

**Approve request for placement of  
Ordinance on Agenda. Make Animal**

**Control more effective and approve**

**“Bird Care School” as an option.**

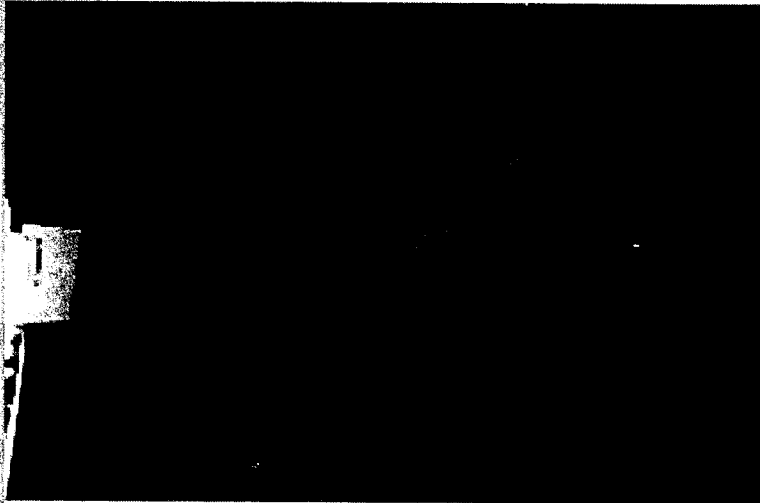
**– Thank you**

## Other References:

- <https://www.peta.org/issues/animal-companion-issues/cruel-practices/caging-birds/>
- <https://www.aspcapro.org/training-online-courses/online-courses-law-enforcement>
- <https://www.shouselaw.com/contact.html>
- <http://www.avianwelfare.org/issues/pets.htm>
- <http://www.mickaboo.org>
- <http://www.animalsandsociety.org/public-policy/policy-papers/parrot-breeding-and-keeping-the-impact-of-capture-and-captivity/>
- <https://cockatoo-info.com/food/main-diet-fresh/>
- <https://www.phoenixlanding.org/adoption.html>
- <http://foothilldogrescue.org/>
- <https://www.parrotplanet.com/>

# Citron Crested Cockatoo Aug 25, cleaned up, good food, celebrating in the sun

After shower and first aid.



In the sun and lots of food!

