

Open Forum 2 # 11

Kim Dawson

From: melody.lane@reagan.com
Sent: Tuesday, January 14, 2025 2:17 PM
To: Kim Dawson; BOS-Clerk of the Board; George Turnboo; Lori Parlin; Rafael Martinez
Cc: David A Livingston; Tiffany Schmid; Noel Stack; BOS-District V; BOS-District IV; BOS-District I; BOS-District III; BOS-District II
Subject: 1/14/25 BOS Public Comments - Agenda Item #11 and Open Forum - DOT/Mt. Murphy Bridge
Attachments: Brown Act Rights of the Public.docx

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Please ensure the entirety of this correspondence is included under BOS Agenda Item #11 as well as Open Forum.

Although Lori Parlin made lame excuses during Open Forum for Agenda Item #11 “mistakenly” appearing on today’s agenda, there is no excuse whatsoever for Chairman Turnboo violating the Brown Act by skipping over BOS Item #11 and not allowing public comments on this item. Several of my neighbors were patiently waiting on Zoom to comment, only to be censored by what appears to be a deliberate violation of their First Amendment rights.

Your blunders make it apparent that you do not take your oaths of office seriously. Please be sure to read the attached “Brown Act Rights of the Public” and particularly note the Preamble as well as Sections 54954.2(a) and 54954.3. This document will help you to understand your obligations under AB1234 and to better serve your constituents with transparency and accountability.

Again, CLAC does NOT represent the residents of the Coloma Lotus valley. CLAC is a liberal special interest group that has a sordid reputation of operating outside of the law.

Residents have the right to access public officials and petition government for redress of grievances, and that means expecting that you will transparently respond to public inquiries such as I addressed today. Lori, your “email district updates” have always avoided responding to our specific concerns, particularly whenever it involves public safety and accountability.

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This morning’s item #11 pertained to the Coloma Lotus Advisory Committee presentation regarding **the Mt. Murphy Bridge replacement, and the boardwalk from Henningson Lotus Park to the MGD Park headquarters.**

It was very disturbing to learn late Friday afternoon that staff requested this item be “Continued Off Calendar. The public deserves honesty and transparency, but residents have been kept in the dark about the Mt. Murphy Bridge and the Parks Master Plan for far too long.” **George, you violated the Brown Act when you skipped over this agenda item today, and then you failed to address my later inquiry regarding the public’s right to comment.**

The very brief Annual Report presentation attached to agenda item #11 was composed by none other than the **American River Conservancy**. This was the subject of a PRA that I submitted to Rafael Martinez in 2022 which he was very reticent to respond to.

It is a fact that the CLAC (formerly RMAC) never represented the best interests of Coloma residents, nor have they followed the Brown Act as required by law. It is also significant that Lori Parlin and Rafael Martinez continue to sweep under the rug correspondence and direct questions pertaining to the Mt. Murphy bridge replacement and lack of proper road maintenance. **Residents are concerned about the public safety aspects of Mt. Murphy Road and the bridge connecting both sides of the Marshall Gold Discovery Park. In the event of another wildfire upon Mt. Murphy, and if the bridge is congested with huge RVs from the Coloma Resort, then residents on the NE side of the river will be sitting ducks with nowhere to go. EDC cannot afford to "kick the can further down the road" until another Paradise, Lahaina, or LA disaster strikes Coloma.**

Continuing this item off calendar (behind closed doors) can only mean there is something fishy going on that the BOS does NOT want the public to know about. Censorship and lack of transparency is *not* what any reasonable person would call "Good Governance". **Constituents have a right to answers to the following questions:**

- 1) Why have Supervisor Parlin and Rafael Martinez been reticent to respond directly to residents' inquiries about the bridge replacement that has apparently been indefinitely postponed?
- 2) What happened to all the former grant money designated for the Mt. Murphy Bridge replacement, and what is the new timeline?
- 3) How will the DUI incident on the bridge Sunday night that shut down the bridge for at least a month impact the bridge replacement project?
- 4) Will the individual be identified and held responsible for the damage to the bridge, or will it be at taxpayers' expense?
- 5) If the Mt. Murphy Bridge is safe enough for DOT to park their trucks on it during repairs, then why are residents prohibited from walking across the bridge to access their mail?
- 6) Lastly, George, what are you going to do to ensure these questions are addressed?

Melody Lane

Founder – Compass2Truth

"It does not take a majority to prevail... but rather an irate, tireless minority, keen on setting brushfires of freedom in the minds of men." ~ Samuel Adams ~

CALIFORNIA BROWN ACT

PREAMBLE:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

CHAPTER V.

RIGHTS OF THE PUBLIC

§54954.3 Public's right to testify at meetings. (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body.

Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal v. Vista Unified School Dist.* (1997) 973 F. Supp. 951; *Baca v. Moreno Valley Unified School Dist.* (1996) 936 F. Supp. 719.) These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.

54954.2 E (3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.

Where a member of the public raises an issue which has not yet come before the legislative body, the item may be briefly discussed but no action may be taken at that meeting. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)