

M. Lane # 24
2-4-14

PUBLIC OFFICIAL TRUSTEE DUTIES AND AUTHORIZATION

**63C Am. Jur.2d, Public Officers and Employees §247* "As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised on behalf of the government or of all citizens who may need the intervention of the officer.

[1] Furthermore the view has been expressed that all public officers within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.

[2] That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.

[3] and owes a fiduciary duty to the public.

[4] It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.

[5] Furthermore, it has been stated that any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. Fraud is its elementary common law sense of deceit and this is one of the meanings that fraud bears [483 U.S. 372] in the statute.

See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge.

From: Bob Day [mailto:bob@maddogmesa.com]
Sent: Saturday, August 03, 2013 7:42 AM
Cc: 'Brenda Bailey'
Subject: FW: Coloma Bridge - Updated Information
Importance: High

Good Morning:

I'm forwarding an email, from Brenda Bailey (Assistant to Supervisor Briggs), regarding the recent Coloma Bridge backups that some of us have experienced. Should you experience a backup on the bridge, a number has been provide to report it to the California Highway Patrol – 916-861-1300.

Please forward this to any of your neighbors who may be impacted by the bridge traffic.

Best Regards,

Bob Day

Bob,

As a follow-up to our phone conversation, I am sending to you the phone number for the CHP central dispatch. I spoke with the acting Commander of the Placerville CHP office regarding the issue and per his direction, the best number to use for non-emergency calls for service is (916) 861-1300. This is a 24-hour number for CHP dispatch. Both emergency 911 and non emergency calls are routed to this location for CHP calls for service.

If, at course, any time you or a neighboring resident believes a situation is an emergency, then yes, 911 is the appropriate number to use.

Please call or email when you are ready to discuss setting a meeting with Supervisor Briggs.

Thank you,
Brenda Bailey
Assistant to Supervisor Briggs
(530) 621-6513

On Tue, Jul 30, 2013 at 3:12 PM, Bob Day <bob@maddogmesa.com> wrote:

Tuesday, July 30, 2013

Good Afternoon:

Last Friday night (August 26th) about 9:15PM Amy and I were returning home from dinner.

We were stopped mid-span on the one lane bridge in Coloma due to campers/trailers/trucks being unable to pull into the Coloma Resort. All of the drivers were just sitting in their cars or trucks and were making no effort to get into the campground.

I left our car and proceeded into the store where I found a young lady waiting on customers who were buying sundry items. I asked for the manager and was told that she was in a meeting. Unfortunately, I interrupted her meeting and told her that the bridge was "backed up". She told me that the "gate operator" had gone home at 9 PM! I told her I didn't care who had gone home that I wanted the bridge cleared and she took action to get the vehicles off the bridge.

When we arrived home I called the El dorado County Sherriff's Office who told me to call the CHP, as they handled all traffic matters in the County.

I spoke with a very nice person at the CHP, with whom I filed a report for the Sergeant in the Placerville Office. The CHP told me to call 911 in the future when a road was blocked.

It took us about 20 minutes to get across the bridge. This amount of time can be the difference between life & death and a fire quickly getting out of control (think about the recent fire on River Road).

I am going to write to CalFire and asked for their plans for evacuating the campground. It would appear that the bridge would be jammed if all the trucks, trailers and campers attempted to exit along with the persons who lived on Carver Road, River Road, Mt. Murphy Road, Bayne Road and related feeder roads tried to all exit at the same time.

Supervisor Ron Brigg's office has been copied on this email.

Please let me know if you have any questions and please feel free to pass this along to your neighbors.

Best Regards,

Bob Day

530-642-8017

From: Peter Maurer [mailto:peter.maurer@edcgov.us]

Sent: Wednesday, January 29, 2014 4:54 PM

To: Melody Lane

Cc: Ron Briggs; Roger Trout; Don Spear; Kimberly Kerr; Terri Daly; Jim Mitrisin; EDC COB; The BOSFIVE; The BOSONE; The BOSTHREE; The BOSTWO

Subject: Re: CPRAs - Coloma Resort & American River Resort

Ms. Lane:

I have reviewed the applicable files per your requests dated Jan. 13, 2014 and Jan. 14, 2014. Please see the following responses:

1/13/14

1. Planning Services has no record of any Temporary Use Permit issued to Coloma Resort between 2002 and 2014.
2. No TUP was issued to the Coloma Resort for an event in 2013.
3. No permit was applied for nor issued by Development Services for transport of a modular unit on Mt. Murphy Road.

1/14/14

1. Planning Services has one record of a Temporary Use Permit issued to American River Resort between 2002 and 2014. This is TUP10-0009 for the Toe Up Cup. Please see attached copy of the file.
2. I have reviewed both special use permit files and can find no such petition. That is not to say that it was not received by either Mr. Montgomery or Mssrs. Rivas or Trout, but they did not get placed in the file and I am unable to find them.

Peter Maurer
Principal Planner

On Tue, Jan 14, 2014 at 1:46 PM, Melody Lane <melody.lane@reagan.com> wrote:

Attached please find copies of two CPRAs along with my transcript presented during today's BOS Open Forum.

Also attached is a photo of the only signage at the junction of Mt. Murphy and Bayne Roads for the week of January 13-17, 2014 pertaining to the transport of modular units to the Coloma Resort. This signage appears inadequate and improperly placed. Who is responsible for monitoring the traffic control for this project?

Should you have any questions, please do not hesitate to contact me.

Melody Lane

Founder – **Compass2Truth**

Conservatives Serving God in Truth and Liberty



