

M. Lane

CALIFORNIA BROWN ACT

BOS 5/14/2019

Consent Calendar

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: Friday, May 10, 2019 6:25 PM

To: 'Rafael Martinez'; lori.parlin@edcgov.us; edc.cob@edcgov.us; Jim Mitrison

Cc: 'Shelley Wiley'; 'Matthew Smeltzer'; 'Brian Mullens'; Lloyd Ogan; barry.smith@parks.ca.gov; 'Donald Ashton'; Frank Bigelow; Sweeney, Trish; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: RE: Please pull Consent Item #22 from the 5/14 BOS Agenda for public discussion

#22

PLEASE ENSURE THE ENTIRETY OF THIS CORRESPONDENCE IS PUBLICLY POSTED VIA THE GOVDELIVERY SYSTEM TO ITEM #22 AND **PULL IT FOR PUBLIC DISCUSSION.**

Mr. Martinez, et al,

You have ***no authority whatsoever*** to respond on behalf of Lori Parlin regarding my request to pull this agenda item for public discussion, nor do I appreciate your condescending remarks. So quit with the Bureaucratic Shenanigans. It is Lori Parlin's responsibility as a Supervisor to ensure District #4 constituents concerns are properly addressed, but she has consistently shirked her duties since taking office by following in the footsteps of her predecessors.

The MT. MURPHY BRIDGE CIP IS A MAJOR COMPONENT OF MT. MURPHY ROAD linking both sides of the Marshall Gold Discovery Park. I was part of the Mt. Murphy Bridge Stakeholders meetings for this project. The subject of SAFE EGRESS in the event of another emergency has been continually diverted by the county, particularly by Matt Smeltzer and other state and county personnel. (Refer to the attached letter addressed to Jim Ware, former DOT Director.)

OES and the Fire District have made it evident they have NO INTENTION of addressing our concerns about public safety, hazardous road conditions, or evacuation routes because THERE AREN'T ANY EVACUATION PLANS, AND NEVER HAVE BEEN ANY EVACUATION PLANS!!!

Furthermore, THERE HAVE BEEN **NO REPAIRS** MADE TO MT. MURPHY ROAD FOR SEVERAL YEARS! Last year DOT just moved dirt from the ditches onto the road, and destroyed the previous **hard surface** applied in 2006 which was intended to cut down on airborne particulate matter caused by steadily increased traffic. Within weeks the condition of the road is just as bad as it was before. Then the heavy winter rains created deep grooves in the dirt surface and eroded the ditches creating an UNSAFE ROAD CONDITION. Last October the larger of these two buses nearly went off the side of the road into the steep ravine just a few hundred yards past my property, and the smaller bus backed into the ditch. That's when I called CHP and was told they were already on their way. Meanwhile residents couldn't get through for hours. Just imagine if there was another wildfire!:

That is NOT road maintenance--it is an irresponsible ***waste of taxpayer's money*** that contributes to poor air quality, is in violation of all CEQA standards, and jeopardizes the safety of residents!

Melody Lane

Founder – Compass2Truth

"Government's first duty is to protect the people, not run their lives." ~ Ronald Reagan ~

From: Rafael Martinez [mailto:rafael.martinez@edcgov.us]

Sent: Friday, May 10, 2019 2:37 PM

To: Melody Lane

Cc: Lori Parlin; Shelley Wiley; Matthew Smeltzer; Brian Mullens

Subject: Re: FW: Please pull Consent Item #22 from the 5/14 BOS Agenda for public discussion

Dear Ms. Lane,

The Department of Transportation is not planning on pulling Item #22 because it is an Engineering Amendment not anything regarding maintenance. Furthermore I would suggest contacting the Fire District for information regarding fire safety and evacuation routes. And lastly, roadwork was done last year on Mt Murphy and the Department does not have plans on any further repairs this year.

Sincerely,

Rafael Martinez
Director

County of El Dorado
Department of Transportation
2850 Fairlane Court
Placerville, CA 95667
(530) 621-7533 / FAX (530) 626-0387
rafael.martinez@edcgov.us

On Thu, May 9, 2019 at 7:22 PM Melody Lane <melody.lane@reagan.com> wrote:

Don't forget you are public servants and are subject to the Brown Act rights of the public. We are still waiting for your response to this vitally important CIP and public safety issue.

Melody Lane

Founder – Compass2Truth

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.”

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

Sent: Thursday, May 9, 2019 5:03 PM

To: lori.parlin@edcgov.us; Shelley Wiley; Jim Mitrising; edc.cob@edcgov.us

Cc: sue.novasel@edcgov.us; shiva.frentzen@edcgov.us; brian.veerkamp@edcgov.us; john.hidahl@edcgov.us; 'Donald Ashton'; Lloyd Ogan

Subject: Please pull Consent Item #22 from the 5/14 BOS Agenda for public discussion

Please pull Consent Item #22 – Mt. Murphy Bridge Replacement from the 5/14 BOS Agenda for public discussion, and ensure the entirety of this correspondence is timely posted via the govdelivery system.

A multi-million dollar Mt. Murphy bridge replacement does not address the problem of a potential catastrophe akin to the Paradise fire. Frequently the Mt. Murphy bridge is blocked by caravans of bus-sized RVs from the Coloma Resort which do not permit residents any egress. Annual fireworks at the Coloma Resort also fuel fears especially when law enforcement refuses to respond to reports made by residents. Additionally there has never been an evacuation plan for residents on the north side of the river.