

J. Connolly Open Forum BOS 4/19/2022

BOARD OF SUPERVISORS PUBLIC COMMENT
APRIL 19, 2022

GOOD AFTERNOON. I WAS UNABLE TO ATTEND LAST WEEK'S OPEN FORUM, BUT I WATCHED THAT I WAS THE SUBJECT OF COMMENTS BY COMMISSIONER GRIMOLDI, MANDI RODRIGUEZ AND A PROUD BOY NAMED SEAN DITTY, WHO CALLED ME OUT BY NAME AND APPEARED TO THREATEN ME AND YOU.

CALLING A PROUD BOY TO BE A CHARACTER WITNESS ABOUT YOUR MEMBERSHIP IN A GROUP WITH PROUD BOYS AND OTHER EXTREMISTS SEEMED ODD TO ME. BUT NEITHER HE NOR LINDA TOLD YOU HE'S PUBLICLY CONFIRMED THAT HE WAS RECENTLY VISITED BY THE FBI, APPARENTLY DUE TO A CONFLICT WITH A YOLO COUNTY SCHOOL BOARD MEMBER.

GRIMOLDI ACCUSED ME, BY NAME, OF "DEFAMATION OF CHARACTER AND SLANDER." SHE SAID, "JOE CONNOLLY DID ALL OF THIS AND HE HAS DONE IT TO HIS EX-WIFE, AND IT'S DOCUMENTED IN COURT ORDERS." SHE ALSO SAID, "JOE CONNOLLY'S BEEN SEEN DRIVING BY MY HOUSE AND STOPPING AT MY DRIVEWAYS, SO TECHNICALLY HE IS NOW STALKING ME."

IT WAS REMARKABLE TO WATCH AN APPOINTED COMMISSIONER TELL A BLATANT LIE TO HER SUPERVISORS, BY ACCUSING ME OF A CRIME WHILE STANDING ON COUNTY PROPERTY, AND USING COUNTY RESOURCES TO DO SO. THIS IS MY INFORMAL NOTICE THAT I'M GOING TO FILE A FORMAL COMPLAINT ABOUT HER

ACCUSATIONS. I'M GOING TO ASK YOU TO APPOINT AN INDEPENDENT INVESTIGATOR, SUCH AS THE DISTRICT ATTORNEY, BECAUSE YOU ARE WITNESSES 1-8. I'M GOING TO ASK THAT SHE BE DEPOSED, SO HER CLAIMS ARE SUBSTANTIATED ON THE RECORD, AND THAT YOU AND I ARE INTERVIEWED AS WITNESSES. MY STATEMENT WILL AFFIRM THAT I DON'T KNOW WHERE GRIMOLDI LIVES, NOR DO I CARE, OR HAVE ANY REASON TO TRAVEL THERE. I'M GOING TO ASK THAT EVIDENCE BE TAKEN, AS NECESSARY, TO DOCUMENT THE INVOLVEMENT OF OTHERS IN MAKING OR SUPPORTING HER CLAIMS.

IN THE MEANTIME, PLEASE INFORM GRIMOLDI ABOUT THE APPLICATION OF CODE OF CIVIL PROCEDURE, SECTION 425.16. SHE CLAIMS HER RIGHTS HAVE BEEN INFRINGED, BECAUSE I HAD THE TEMERITY TO FACTUALLY DOCUMENT ISSUES IN THE PUBLIC INTEREST. YOU SHOULD TELL HER THAT MY DIVORCE FROM NEARLY 20 YEARS AGO IS NOT A MATTER OF THE PUBLIC INTEREST, AND WHY. YOU SHOULD TELL HER THAT A YEAR AGO THE SUPERIOR COURT TOLD COMMISSIONERS COCKRELL AND SMITH THAT THEIR CLAIMS I'M AN ABUSIVE PERSON WERE HEARSAY, WHEN THE COURT UPHELD MY RIGHT TO PUBLIC COMMENT UNDER SECTION 425.16.

YOU SHOULD ALSO APPOINT AN INDEPENDENT INVESTIGATOR TO REVIEW THE PUBLIC CONSPIRACY THAT CONTINUES TO SMEAR ME. GRIMOLDI IS NOW THE FOURTH COMMISSIONER TO DO SO, FOLLOWING COCKRELL, SMITH AND POIMIROO, AND SHE'S AT LEAST THE FIFTH PUBLIC PERSON TO MAKE THOSE SAME

CLAIMS. THE FIRST WAS SUE TAYLOR, LAST FEBRUARY, ONE MONTH BEFORE THE COMMISSIONERS PICKED UP THE BALL AND RAN WITH IT.

SUPERVISOR PARLIN SHOULD RECUSE HERSELF FROM THESE MATTERS, BECAUSE SHE HAS NOT DISCLOSED MAKING HER OWN HEARSAY ACCUSATIONS ABOUT ME, IN THE SAME COURT RECORDS THAT KEEP BEING REFERRED TO. I DON'T BELIEVE SHE'S DISCLOSED THAT SHE IS FRIENDS WITH MY EX-WIFE EITHER.

I'M ASKING SUPERVISOR PARLIN TO ANSWER NOW WHETHER SHE HAS DISCLOSED THOSE FACTS TO YOU, AND I'M ASKING THE COUNTY COUNSEL TO MEET WITH ME TO REVIEW THOSE FACTS. I THINK THAT WOULD BE IN KEEPING WITH YOUR PURPORTED STANDARDS OF GOOD GOVERNANCE AND TRANSPARENCY. THANK YOU.

M. Lane Open Forum BIS 4/19/22

Melody Lane, Founder Compass2Truth

4/19/22 DOT Mt Murphy Road

My purpose today is to address the unresponsiveness of DOT and Lori Parlin to public health and safety concerns about Mt. Murphy Road which was a solid surface until DOT began annually destroying the hard pavement by grading and applying raw dirt and gravel. Bayne Road is the lower boundary of my property: ***Air quality engineers estimated that the Bayne Road paving project took 274 pounds per year of particulate matter out of the air.***

After our meeting in 2011 DOT Director Jim Ware and MGD Superintendent Jeremy McReynolds walked Mt. Murphy with me so they could personally see that the original paved surface. We've also met with former Directors Tom Celio and Don Spear about the atrocious conditions of this major thoroughfare from Coloma to Garden Valley.

THIS is a segment of the road that was torn up, and THIS is a small sample of the raw dirt and particulate matter that is entering our homes and lungs.

The county has two decades worth of correspondence and evidence, yet they continue to ignore these concerns and destroy the road surface using taxpayer funds. The Mt. Murphy Bridge replacement goes hand in hand with REPAIRS made to the road surface. Adding insult to injury, Rafael Martinez has either ignored or lied to residents. Same for Lori Parlin. In so doing they have denied citizens remedy to their grievances.

Madam Clerk, you will be receiving substantiating documents later which I expect to be entered into the public record.

But the question that I expect to be answered now is whether or not Lori Parlin will abide by her constitutional oaths and address TODAY these public safety issues.

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).)



Kim Dawson <kim.dawson@edcgov.us>

4/19/22 BOS Open Forum Public Comments

2 messages

Melody Lane <melody.lane@reagan.com>

Tue, Apr 19, 2022 at 3:44 PM

To: Kim Dawson <Kim.Dawson@edcgov.us>, edc.cob@edcgov.us, lori.parlin@edcgov.us

Cc: david.livingston@edcgov.us, Donald Ashton <don.ashton@edcgov.us>, rafael.martinez@edcgov.us, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Please ensure the entirety of this correspondence is entered into today's BOS minutes under Open Forum.

For the record, David Livingston clarified that the Brown Act states the public has broad Constitutional rights, yet Lori Parlin continued to abuse the public trust by violating the rights of speakers. (Refer to attached Brown Act Rights of the Public)

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Furthermore, Comrade Parlin's dictatorial edicts are contrary to her Constitutional oaths, Good Governance and Core Values. Her constant interruption of speakers and refusal to respond to public inquiries demonstrated her gross disrespect for constituents and the LAW:

*§54954.3 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.*

My brief transcript appears below pertaining to on-going concerns regarding Lori Parlin, DOT Director Rafael Martinez and Mt. Murphy Road.

###

My purpose today is to address the unresponsiveness of DOT and Lori Parlin to public health and safety concerns about Mt. Murphy Road which was a **solid surface** until DOT began annually destroying the hard pavement by grading and applying raw dirt and gravel. Bayne Road is the lower boundary of my property: Air quality engineers estimated that the Bayne Road paving project took **274 pounds per year of particulate matter out of the air.**

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THIS is a segment of the road that was torn up, and THIS is a small sample of the raw dirt and particulate matter that is entering our homes and lungs.

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Madam Clerk, you will be receiving substantiating documents later which I expect to be entered into the public record.

But the question that I expect to be answered now is whether or not Lori Parlin will abide by her constitutional oaths and address TODAY these public safety issues.

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.”

5 attachments



4-12-22 DOT Mt Murphy Rd Particulate Matter.docx
5177K



5-12-20 Mt Murphy Rd Hazardous Mitigation.docx
4917K



6-26-20 DOT Mt Murphy Rd PRA002628-051320.docx

1407K



9-10-18 DOT Mt Murphy Road.docx

30K



Brown Act Rights of the Public.docx

16K

Kim Dawson <kim.dawson@edcgov.us>
To: Melody Lane <melody.lane@reagan.com>

Wed, Apr 20, 2022 at 8:38 AM

Good Morning Ms. Lane - Your email has been received. We will attach to the minutes. Take care, Kim

[Quoted text hidden]

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Kim Dawson
Clerk of the Board of Supervisors
County of El Dorado
330 Fair Lane, Building A
Placerville, CA 95667
(530) 621-5393
kim.dawson@edcgov.us

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

Sent: Tuesday, April 12, 2022 4:18 PM

To: lori.parlin@edcgov.us; rafael.martinez@edcgov.us; road.maintenance@edcgov.us

Cc: 'Shelley Wiley'; 'Tonya Digiorno'; 'Donald Ashton'; david.livingston@edcgov.us; bosfive@edcgov.us; 'bosfour'; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: RE: Mt. Murphy Road repairs - particulate matter/public safety concerns

Importance: High

Lori and Rafael,

After I returned home from today's BOS Open Forum I encountered a large piece of approximately 30" round black metal in the center of Mt. Murphy Road approximately 150 feet from the intersection of Carvers Road. It appears to be the spare wheel cover from the back of a Rav4 SUV that was dislodged after hitting one of the HUGE potholes/bumps in the road. I moved it to the side of the road in order to pass, but the metal part and the atrociously bad condition of the road needs to be immediately addressed.

By the time I called DOT maintenance, (530) 642-4909, their office had already closed at 3:30 PM. When I called Rafael, his voice mail recording indicated that he was in a meeting and would not be available until 5 PM. This is the same recording he has had for years, but it is evident Rafael and his staff have no intention of addressing constituent concerns.

Lori, that means the responsibility falls on your shoulders to follow up on these DOT issues.

Regards,

Melody Lane

Founder – Compass2Truth

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

Sent: Monday, April 11, 2022 4:17 PM

To: lori.parlin@edcgov.us; rafael.martinez@edcgov.us

Cc: Shelley Wiley; Tonya Digiorno; 'Donald Ashton'; david.livingston@edcgov.us; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: FW: Mt. Murphy Road repairs - particulate matter/public safety concerns

Rafael and Lori,

This past weekend some friends visited my home and they reported having to use 4-wheel drive to get up Mt. Murphy Road due to the deep holes and abysmal condition of the road. I also received a phone call from a friend who talked to Rafael Martinez recently about DOT issues, but he quickly interrupted claiming he had to "get to a meeting" and would call back later. Needless to say, Rafael never returned the phone call.

As you heard during last week's Open Forum, one citizen claimed Planning handed him the familiar line, "Give me about a week and I'll get back to you" but their call was never returned or addressed. You also heard from citizens who are running into the same avoidance tactics from your own office.

Neither of you have acknowledged the DOT issues below. Either you are ignoring my emails, or they remain unlawfully blocked by Tonya Digiorno under the direction of Don Ashton and/or David Livingston.

Lori Parlin: As District #4 Supervisor you have a moral and legal responsibility to be responsive to constituent concerns without partiality and in compliance with Good Governance policies. This is not optional; *it is the law*. Again, please respond **immediately** to the following:

- 1) What exactly is the DOT timeframe to restore Mt. Murphy Road to the **formerly solid surface** and thereby reduce particulate matter?
- 2) What plans are in place, if any, to address emergency egress to Mt. Murphy residents in the event of another wildfire or during reconstruction of the Mt. Murphy Bridge CIP?
- 3) Please confirm whether or not Tonya Digiorno has restored my ability to communicate electronically with ALL EDC staff as required by law.

I look forward to your prompt response in order that this information may be properly disseminated to concerned citizens.

Melody Lane

Founder – Compass2Truth

“There is no difference between socialism and communism, except in the means of achieving the same ultimate end: communism proposes to enslave men by force, socialism by vote. It is merely the difference between murder and suicide.” ~ Ayn Rand ~

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

Sent: Wednesday, March 30, 2022 1:37 PM

To: lori.parlin@edcgov.us; rafael.martinez@edcgov.us; bosfour

Cc: Tonya Digiorno; 'Donald Ashton'; david.livingston@edcgov.us; barry.smith@parks.ca.gov

Subject: Mt. Murphy Road repairs - particulate matter/public safety concerns

Rafael and Lori,

During last week's BOS Agenda Item #34 regarding Good Governance/Strategic Plan, the below slide addressed the issue of particulate matter. In that regard, I presume the Core Value of Collaboration applies to DOT - Cross-functional teamwork, communication, and cooperation countywide, while creating a silos-free organization:

- ⌘ Four (4) Sacramento region air districts were awarded a second EPA Targeted Airshed Grant that will provide AQMD with \$971K to reduce EDC residents' exposure to particulate matter
- ⌘ Continued implementation of grant programs to help residents and businesses replace vehicles, Ag equipment, lawn mowers, busses and wood stoves, as well as a competitive grant program that funds several shuttle services
- ⌘ Deployed additional air sensors throughout the County so that residents can easily check the particulate matter levels in their communities
- ⌘ Working to improve forest health by actively supporting the prescribed burn and residential burn programs to reduce wildfire danger when atmospheric conditions favor smoke dispersion

Air Quality Management

As you are well aware, particulate matter and the poor condition of Mt. Murphy Road have been ongoing problems particularly for residents who are affected by the increasing traffic between the Marshall Gold Discovery Historic State Park and Garden Valley. It is a fallacy for DOT to perpetuate that Mt. Murphy has always been a "dirt and gravel road." The below photos reveal the remnants the formerly paved hard surface that was applied in 2006 specifically for the purpose of mitigating the heavy particulate matter stirred up by racing cars and motorcycles that has been entering our homes and lungs.



Since 2006 DOT has annually destroyed the formerly hard surface of this one-lane road through the grading and laying of loose gravel and raw dirt atop the pavement, thus creating hazardous driving conditions and unhealthy airborne particulate matter. The closure last year of the Mt. Murphy Bridge, AT THE HEIGHT OF FIRE SEASON, exacerbated the abysmal condition of the pavement between Carvers Road and the top of Mt. Murphy where the road is paved.

At present the washboard surface and potholes/humps in many places are in excess of 10" deep. Residents cannot drive more than five mph and must weave precariously to avoid damage to their vehicles. Additionally, the attached emails are indicative of the county's lack of response to resident's concerns as it pertains directly to the Mt. Murphy Bridge CIP and Public Safety/Egress in the event of another wildfire on the NE side of the river. The county would be remiss in their fiduciary responsibilities to build a "bridge to nowhere" without addressing the impacts of the egress/public safety concerns of residents that have been perpetually ignored over the years.

Despite the warning signs "Steep and Rough Road Next 1.5 Miles" at the intersection of Carvers and Mt. Murphy Roads, visitors frequently venture uphill and use my driveway (on a blind curve) to turn around. I've had three electric gates broken beyond repair as a result of trespassers ignoring posted signs. This is a liability that the county could easily avoid by the proper maintenance and repair of the solid surface road. At the very least please repave the lower 1/3 portion where resident's homes and health are affected by particulate matter.

On March 12th Sean from Animal Control responded to my call for service. Upon arriving he complained that he could not drive his truck more than 5 mph down the atrociously bumpy road. The same day my neighbors

were walking their dog up Mt. Murphy when they were forced off the road by 23 racing motorcycles as though it was an off-road dirt track. As you can see by the March 14th photos of a Garden Valley resident in a blue pickup fish-tailing uphill at an unsafe speed, the thick clouds of unhealthy particulate matter **regularly drift into our homes and into our lungs.**

You have a moral and legal obligation to respond to constituent concerns pursuant to your oaths of office, Good Governance, Strategic Plan, and EDC Core Values. Fire season is soon upon us. DOT has been unresponsive to phone calls; therefore I anticipate a timely and appropriate written response from Rafael delineating the timeline for necessary road repairs/restoration to a solid surface which will be disseminated to local residents.

Lori, it is your responsibility as District #4 representative to ensure that Rafael follows up on this request. While you are at it, please confirm that Don Ashton has lifted his unlawful block on my ability to communicate electronically with ALL county staff.

If you either of you have any questions, do not hesitate to contact me immediately.

Regards,

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 ~

###

3/14/22 Garden Valley resident recklessly racing up Mt. Murphy on numerous occasions:



2022 03 14
13:30:09



Dirt cloud from ONE racing motorcyclist 3/14/22:



23 racing motorcyclists forced off the road two neighbors walking their dog:



EDC Animal Control officer Sean complained he could only go 5 mph over deep potholes/bumps:



This is the remnant of the SOLID SURFACE applied to Mt. Murphy Road in 2006 for the purpose of particulate control:

One example of improper DOT road maintenance and repairs causing dirt to wash into ditches and block culverts:



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

Sent: Tuesday, May 12, 2020 11:46 AM

To: 'Rafael Martinez'; 'Lori Parlin'

Cc: matt.smeltzer@edcgov.us; barry.smith@parks.ca.gov; Mike Howard; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: RE: Mt. Murphy Road needs proper REPAIR, restored to solid surface

Rafael and Lori,

As you can see by the below photos, Mt. Murphy used to be a SOLID SURFACE. Previous "annual maintenance" of this county maintained road bordering the Marshall Gold Discovery Park actually resulted in the degradation of the solid surface thus reducing it to public safety/health hazard. Visitors from out of county have been parking on the one-lane road as well as on private property in order to access the hiking trails, and now that we are in fire season, this becomes a greater concern to residents:



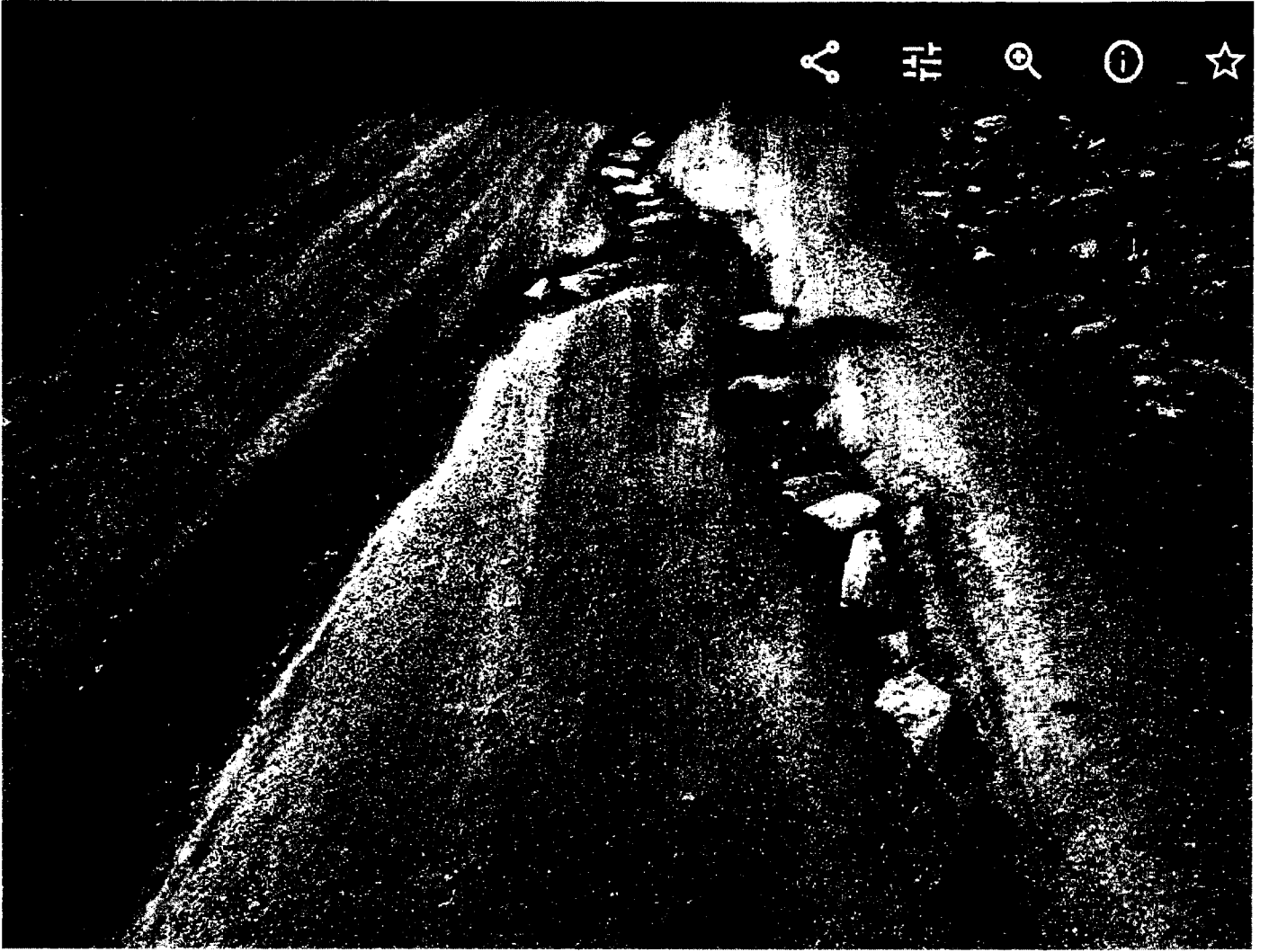


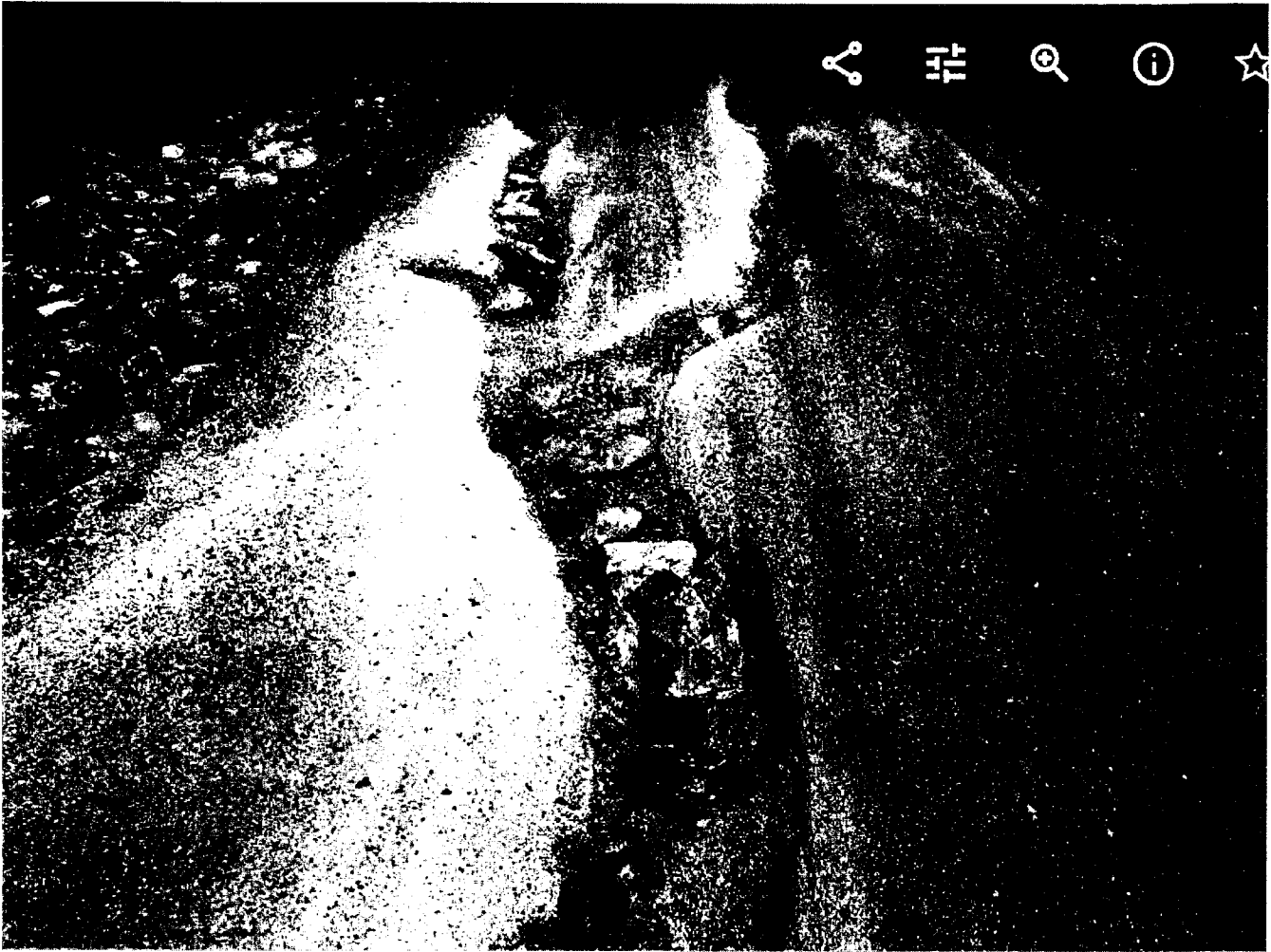


Grading of the solid surface and replacing dirt/gravel has resulted in huge clouds of particulate matter invading homes and affecting the quality of health of residents. Winter rains cause erosion and deep ruts, which further wrecks havoc on our automobiles.



In order to traverse the road, residents have recently filled in the deep ruts with large rocks from the ditches and shoveled gravel where necessary:

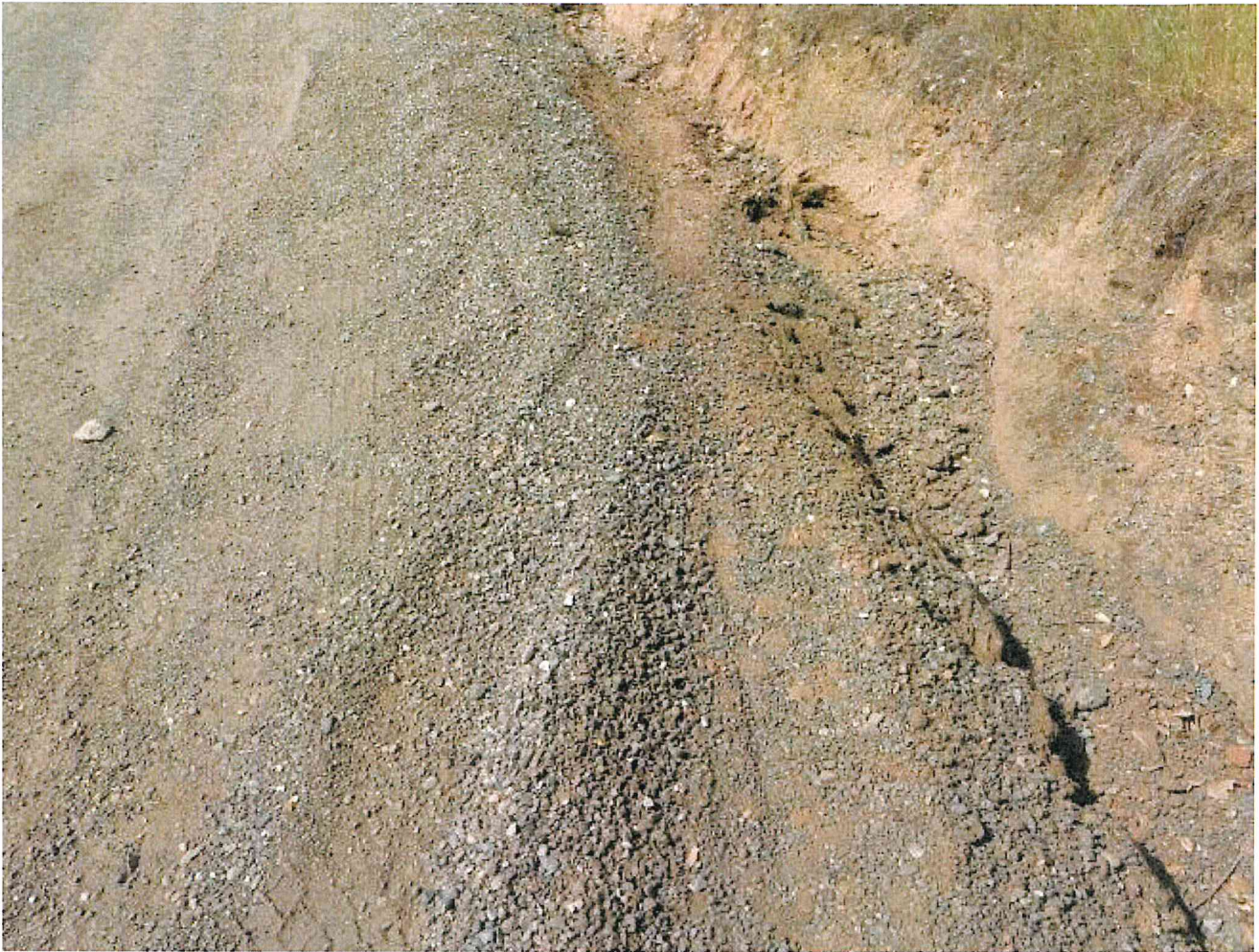




Mt. Murphy Road has become a speedway for motorcyclists and crazy drivers. On 5/9/20 twenty one motorcyclists speed up Mt. Murphy Road stirring up huge clouds of particulate matter forcing me and my dog inside to escape inhaling the dirt that rose higher than the treetops. This has become a regular occurrence affecting the property values and quality of life of residents on the portion of the road that is no longer paved as it once was:



On 5/7/20 it was necessary for me to call CHP to report an individual in a blue pickup truck fishtailing up Mt. Murphy Road at what I estimated to be 60 MPH who ended up getting stuck in the 2 foot ditch about 40 feet beyond the corner of my property. Before I could reach him, he put the truck in 4 wheel drive, backed out of the ditch and continued dangerously fishtailing up the road like a bat out of hell leaving a cloud of dirt in his wake:



Such incidents are happening on a regular basis and are increasing, yet for years the county has turned a blind eye and deaf ear to our petitions to re-pave the lower 1/3 mile of the road and restore it to a solid surface. Even with the pandemic restrictions, traffic on Mt. Murphy Road has increased which endangers the public safety, health and quality of life of local residents.

Lori: Please respond ASAP about addressing this perpetual DOT problem.

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: Rafael Martinez [mailto:rafael.martinez@edcgov.us]
Sent: Monday, May 20, 2019 7:40 AM
To: Melody Lane
Cc: Lori Parlin; Brian Mullens; Lloyd Ogan
Subject: Re: Mt. Murphy Road Hazardous Mitigation - another stuck truck

Ms Lane,

Yes the County does still pursue Air Quality Management District Grant funds. As a matter of fact we were just awarded some money from AQMD in November. But unfortunately the County has got to many needs and not enough funding to get around. We currently have hundreds of other dirt roads in the County that are in the same or if not worse condition the Mt Murphy.

These AQMD grants come around every two years, I will promise you this, I will have staff look into applying for Mt Murphy during the 2020 round. Although lately "roadway dust mitigation" has not been a success candidate, but its worth looking into. I will keep you posted starting early 2020.

Sincerely,

Rafael Martinez

Director

County of El Dorado

Department of Transportation

2850 Fairlane Court

Placerville, CA 95667

(530) 621-7533 / FAX (530) 626-0387

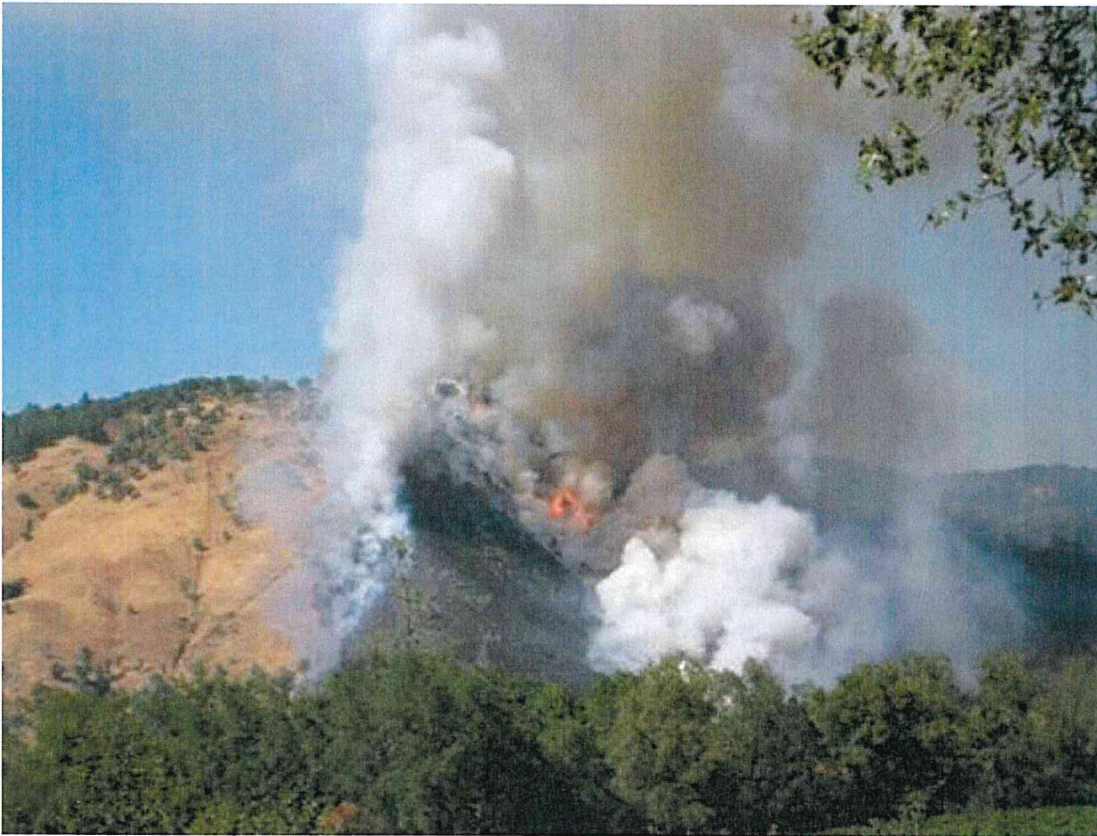
rafael.martinez@edcgov.us

On Fri, May 17, 2019 at 10:58 PM Melody Lane <melody.lane@reagan.com> wrote:

Hello Rafael,

In route to my home today a deliveryman encountered the below vehicle stuck in the deep ditch on Mt. Murphy Road so he requested I call CHP to the scene. He also commented on the terrible condition of the road making it difficult to navigate his delivery truck. By the time I got there the driver of the vehicle had already disappeared.

As we discussed before, this is a very common occurrence on an increasingly trafficked road which could be catastrophic especially in the event of another Mt. Murphy fire:



Mt. Murphy Road connects both sides of the Marshall Gold Discovery Park but it hasn't been properly repaired since 2006 when I persuaded Don Spear to pave the lower 1/3 mile to reduce particulate matter and produce a much smoother ride.

Annual road maintenance has become a joke, not to mention a waste of taxpayers resources. Residents choke on clouds of dirt stirred up by increased traffic, yet DOT remains unresponsive to resident's air quality and health concerns. A grant was used to pave Bayne Road and reduce particulate, and apparently more of those grants are available to DOT. (See attached press release) When I asked you about the availability of grants during Monday's Taxpayers meeting you took great pains to avoid answering me. Inquiring minds would like to know where have those tax resources and grant funds disappeared?

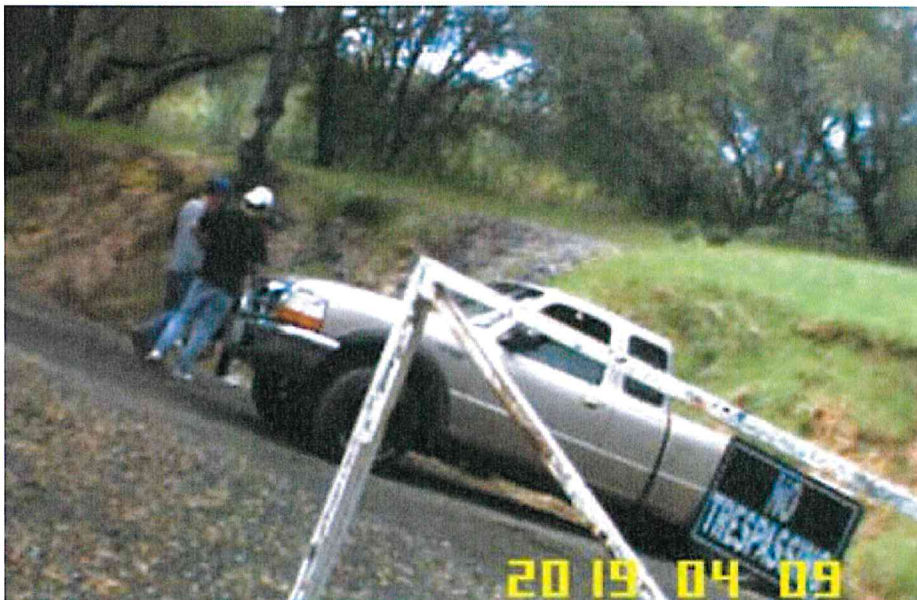
Chief Ogan agreed the road and ditches are in desperate need of IMPROVEMENTS and it's obvious it's long overdue for REPAIRS. In most places there is insufficient egress for emergency equipment and evacuees to pass or pull out. However the lack of an EVACUATION PLAN for residents on the north side of the Mt. Murphy bridge also needs to be addressed.

For decades DOT, CalTrans, Coloma Lotus Fire Safe Council, and District #4 supervisors have avoided resident's concerns by kicking the can down the road. We need your cooperation to remedy the situation before it turns into another tragedy. What's it going to take to get the road fixed?





Just last month another truck used my driveway to turn around, backed straight into the 3-foot ditch blocking the road, and had to be towed out:



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 ~

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

Sent: Friday, June 26, 2020 4:04 PM

To: 'Lori Parlin'

Cc: rafael.martinez@edcgov.us; matt.smeltzer@edcgov.us; edc.cob@edcgov.us; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: RE: Mt. Murphy Road DOT crews & CPRA #P002628-051320

Lori,

There still has not been an appropriate response from you in regard to these public safety issues involving the restoration of the SOLID SURFACE to Mt. Murphy Road. Your cut-n-paste of Shelly Wiley's response is unacceptable and insulting. Additionally DOT remains unresponsive to constituent concerns, as well as to CPRA# P002628-051320. Therefore, pursuant to your oaths of office, it is incumbent upon you to reply and ensure that Rafael Martinez and DOT staff do their jobs.

Since my last correspondence there have been three major storms that caused dirt, mud and debris to totally obstruct the culverts beneath the driveways of three residents on the lower portion of Mt. Murphy Road. Photos were provided to you, DOT and to the BOS. DOT caused the damage due to improper road "maintenance", therefore the county is responsible for fixing the problem--that's what our taxes pay for.

Furthermore, the air quality from particulate matter stirred up by increased traffic creates a health hazard, and the eroded ditches from the rain runoff has created a public safety hazard on the one-lane road. Couple that with the lack of an emergency evacuation plan, overcrowding at the Coloma Resort, and lack of egress at a time when wildfires are a major concern to residents on the north side of the one-lane Mt. Murphy bridge, and you have a recipe for a disaster just waiting to happen.

You are being paid to do a job, so don't ignore this issue or hand it off to someone else. Residents have grown tired of your lack of response to these public safety concerns. Your comprehensive response is expected ASAP.

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: Lori Parlin [mailto:lori.parlin@edcgov.us]

Sent: Wednesday, May 13, 2020 8:00 AM

To: Melody Lane

Subject: Re: Mt. Murphy Road DOT crews

Melody,

We will check in with DOT on this.

Lori Parlin

El Dorado County District IV Supervisor

Phone: (530) 621-6513

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On Tue, May 12, 2020 at 5:21 PM Melody Lane <melody.lane@reagan.com> wrote:

Lori Parlin is personally responsible for responding to this message. She is still being paid to do a job, so no more Bureaucratic Shenanigans or handing this off to the lowest man on the totem pole.

In only two weeks compacted dirt and gravel will quickly turn into a lumpy washboard surface. ***Fix the road with a SOLID SURFACE as it was before!***

Furthermore, there is no excuse for the blatant disrespect shown me by the DOT staff today. Rafael needs to deal with their conduct and report back to me the steps he is taking to ensure his staff makes the necessary attitude adjustment.

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: shelley.wiley@edcgov.us [mailto:shelley.wiley@edcgov.us] **On Behalf Of** BOS Four

Sent: Tuesday, May 12, 2020 4:30 PM

To: Melody Lane

Subject: Re: Mt. Murphy Road DOT crews

Melody,

We will check in with DOT on this.

Sincerely,

Shelley Wiley

Assistant to Supervisor Lori Parlin, District IV

Board of Supervisors, County of El Dorado

Phone: (530) 621-6513

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On Tue, May 12, 2020 at 12:44 PM Melody Lane <melody.lane@reagan.com> wrote:

Lori & Rafael,

Apparently the DOT crews on Mt. Murphy today have been given orders not to speak with me. When I tried to flag down the trucks backing down the road this morning, they refused to stop. Moments ago I heard the crews stop around the corner a hundred feet past my property, so I hiked up there to find them sitting in the middle of the road having lunch. None of the crew would respond or even give me eye contact when I approached them and asked what was going on. I also inquired what kind of surface was being applied and why residents weren't given notice. There still was no response or eye contact from the crew when I asked who was in charge.

When I persisted, Mike was the first to respond, and when I asked who his boss was, he referred me to the bearded fellow seated next to him by the name of Dan. When I asked Dan for his title and who his boss was, he replied, Brian Mullens, and Rafael Martinez was Brian's boss. Dan called me by name, then very impudently told me to talk to Brian or Rafael. I audio recorded the brief exchange, but it was evident none of the DOT crew had any intention of being cooperative.

Need you be reminded, these are public employees whose salaries are paid by taxpayers. The county is NOT "maintaining" this heavily trafficked District #4 road—it is being *destroyed* at taxpayer's expense. The lower 1/3 mile of Mt. Murphy Road needs to be repaired and restored to a solid surface.

Furthermore, the **No Parking** signs need to be replaced that were removed from the area where the DOT crews are seated. This is an issue previously addressed with MGD Superintendent Jeremy McReynolds and Supervisors Briggs and Ranalli who all thumbed their noses at constituent concerns. Rafael Martinez has also laughed off his responsibility in this regard during a Taxpayers meeting last year.

Despite the pandemic restrictions, the county is NOT on vacation and you are all still drawing salaries. The lower 1/3 of Mt. Murphy Road needs to be restored to a solid surface, NOT dirt and gravel which is a public health hazard. Lori Parlin needs to immediately address constituent concerns pursuant to her oaths of office.

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 ~





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

Subject: FW: Mt. Murphy Road maintenance...Bridge to nowhere

Attached:  Ranalli.DOT Mt Murphy 6-19-15.doc (39 KB);  Bayne Rd Improvements Air Qual 10-17-12.doc (43 KB);  7-15-11 MGD DOT EDSO.doc (102 KB)

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: John Edwards [mailto:john.edwards@edcgov.us]
Sent: Thursday, June 7, 2018 9:40 AM
To: Melody Lane
Cc: Brian Mullens
Subject: Re: Mt. Murphy Road maintenance...

Mrs. Lane,

I will not be in that area today. As I explained yesterday during our phone conversation this project will entail cleaning the ditches and grading the surface of the dirt road to alleviate any potholes or rutting and establishing a smoother surface for traffic to travel on. Asphalt grindings will be placed in areas as determined by the project supervisor.

Regards,

On Wed, Jun 6, 2018, 4:29 PM Melody Lane <melody.lane@reagan.com> wrote:

Hello John,

Pursuant to our conversation today, please see below the 2006 email that I addressed to Don Spear and Tom Celio concerning the HARD SURFACING of the lower 1/3 mile of Mt. Murphy. Although technically not hot asphalt, the effects using a superior grade of decomposed asphalt were essentially the same. For a few years afterwards DOT actually used hot asphalt to repair some of the worst potholes. Please note as well the attached letter which addresses many of the same public safety concerns that have been perpetually avoided.

We're right back to the same old problems: clouds of particulate matter, rock & road erosion, necessary car repairs, and emergency egress especially in the event of yet another wildfire, flood or landslide. As I mentioned, five arson fires were ignited either directly on my property or within ¼ mile of my property within an eight year period. Lack of egress due to traffic congestion at the Mt. Murphy Bridge is a major concern frequently raised during public meetings by residents living on the north side of the river, topics which past and present public officials have been reticent to properly address.

The lighter areas in the below photograph taken today are what remain today of the 2006 HARD SURFACING of Mt. Murphy Road. Note only the right side of the road was graded leaving several big bumps on the left.

(Image removed)

While we were on the phone your crews laid an inferior mix of dirt & rocks atop this portion of the road, watered it down, and then compacted it:

(Image removed)

As of 4 PM the below photo is what Mt. Murphy Road looks like now:

(Image removed)

It is evident this is mainly mud, NOT decomposed asphalt as your crewleader claimed. If left in this state, within just a few weeks Mt. Murphy residents will again have to deal with the same problems of pot holes, washboard bumps and particulate clouds. I think you'll agree that is not a wise use of taxpayers resources.

Then there is still the problem of re-lining the ditches with rocks for erosion control.

As we discussed, please give me a call tomorrow when you are in the area so we can do a site inspection together, (530) 642-1670.

Melody Lane

Founder – Compass2Truth

“The time is now near at hand which must probably determine, whether Americans are to be, Freeman, or Slaves; whether they are to have any property they can call their own; whether their Houses, and Farms, are to be pillaged and destroyed, and they consigned to a State of Wretchedness from which no human efforts will probably deliver them. The fate of unborn Millions will now depend, under God, on the Courage and Conduct of this army” ~ Gen. George Washington, to his troops before the battle of Long Island ~

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

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).)