

Open Forum

20-1172

EDC COB <edc.cob@edcgov.us>



BOS 9/1/2020

9/1/20 Open Forum Public Comments - CPRAs & DOT issues

1 message

Melody Lane <melody.lane@reagan.com>

Tue, Sep 1, 2020 at 10:53 AM

To: Lori Parlin <lori.parlin@edcgov.us>, edc.cob@edcgov.us

Cc: Brian Mullens <brian.mullens@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>, Kim Dawson <Kim.Dawson@edcgov.us>, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us, rafael.martinez@edcgov.us

Please enter the entirety of this correspondence into the 9/1/20 BOS Open Forum.

The county has been unlawfully requesting 45-60 additional days to respond to CPRAs due to COVID-19 and staff limitations. **However the law makes no provisions for extensions to Public Record Act requests due to COVID-19.**

Pursuant to the Brown Act section 54954.2 & 54954.3, Lori Parlin is required to publicly respond to public inquiries which serve as petitions for redress of grievances. During today's BOS Open Forum, Lori Parlin claimed that she did NOT receive the attached CPRAs that were specifically addressed to her and requiring her follow up response. The CPRAs involve DOT and public safety aspects relevant to residents affected by overcrowded campgrounds, road/bridge conditions and egress issues in the event of an emergency. If Lori indeed did not receive this correspondence, then it is reasonable to ascertain that Don Ashton/County Counsel have unlawfully intercepted and censored my communications relevant to the following CPRAs:

- 1) P2628-051320 – due 5/26/20
- 2) P2645-052720 – due 6/9/20
- 3) P2709-070620 – due 7/17/20

Furthermore, DOT is responsible for the damages caused to residential culverts by improper road "maintenance" which in effect is the destruction of the formerly solid road surface. Lori has not responded to requests to follow up on this matter.

The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**, which the oath taker, pursuant to his oath, is mandated to uphold. As stated previously, pursuant to Lori's Constitutional oaths of office, she is required to respond to constituents. If she fails this requirement, then she has violated two provisions of the First Amendment, the Public Trust and perjured her oath.

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: Wednesday, May 13, 2020 10:44 AM

To: 'Lori Parlin'; rafael.martinez@edcgov.us
Cc: Brian Mullens (brian.mullens@edcgov.us); 'Donald Ashton'; Kim Dawson (Kim.Dawson@edcgov.us);
'bosfive@edcgov.us'; bosfour (bosfour@edcgov.us); 'bosone@edcgov.us'; 'bosthree@edcgov.us'; 'bostwo@edcgov.us'
Subject: RE: Mt. Murphy Road DOT crews - Public Information Request P2628-51320

Lori,

You are cognizant that your reply was insufficient and contrary to the EDC Core Values, so quit with the games. It is the same hypocrisy and bureaucracy that Don Spear and Tom Celio used to give us every year, that is, IF they answered our inquiries at all. Pursuant to your Oaths of Office, you answer to all District #4 constituents. Briggs & Ranalli were equally unresponsive, hence the meetings we had with Supervisor Norma Santiago, *many of which you participated in*. As you know, all those meetings were an exercise in futility. ***SEE THE ATTACHED CORRESPONDENCE.**

So consider this a CPRA request for public information...

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I specifically request that Supervisor Lori Parlin provide documentation within 10 days, *or less*, indicating how much the grading/destruction of Mt. Murphy Road has cost taxpayers every year since 2006, versus the cost of **restoring the hard surface** which was applied to the lower 1/3 mile of road in 2006 for the purpose of mitigating unhealthy particulate matter caused by increased recreational traffic. Please include in your reply the annual breakdown of the cost of labor and materials data which should be readily available to DOT. Note the direct costs of duplication *do not* include costs affiliated with the research, retrieval, or redaction of a record. An agency cannot charge a person requesting copies of records for these costs. *The theory is that these costs must be borne by the agency as part of its duty to serve the public.*

This CPRA does not absolve Rafael of his responsibility to reply ASAP concerning the inappropriate conduct and attitude adjustment of his crews yesterday. It is his duty as a public servant to respond appropriately to the below request concerning the action he is taking to remedy his personnel problem.

Melody Lane

Founder – Compass2Truth

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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 MGDP 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 ~







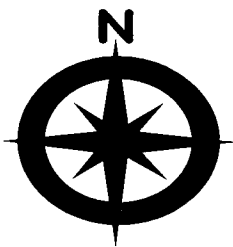
2 attachments



5-27-20 Campgrounds RMP Covid.doc
55K



CPRA2709-070620 DOT Argonaut CR Public Safety.docx
578K



Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

May 27, 2020

To: CAO Don Ashton
Sheriff John D'Agostini
Parks and Recreation Supervisor Vickie Sanders
Planning and Development Director Tiffany Schmid
EDC Clerk to the Board
El Dorado County Board of Supervisors Districts #1, 2, 3, 4 & 5

CA PUBLIC RECORDS ACT REQUEST

Over the Memorial Day weekend mayhem in Coloma affected the public safety and equality of life of residents relative to the limited opening of the Marshall Gold Discovery Park amidst Covid-19 restrictions which was posted on CLNews and published in the Mountain Democrat. Campgrounds were crowded, excessively noisy, and cars were illegally parked on Bayne and Mt. Murphy roads affecting the safety, security, and quality of life for local residents. Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain the following documents **via email**:

- 1) Signed and dated authorization permitting all Coloma-Lotus campgrounds to open as "essential businesses" amidst the Covid-19 lockdown. Please indicate any/all restrictions on each of the campgrounds, including but not limited to the Coloma Resort, American River Resort, Ponderosa Resort, and Camp Lotus.
- 2) Signed and dated authorization relative to the River Management Plan and River Patrol on the S. Fork American River over the Memorial Day weekend when large crowds were anticipated.
- 3) Copy of EG20-4033 concerning an excessively loud music event held at the American River Resort on 5/23/20 and in violation of the River Management Plan when I requested Deputy Vaughn to assist me with a Citizen's Arrest.
- 4) Copy of EG20-003255 concerning trespassing on private property and illegal parking on one-way road.

The agency must justify the withholding of any record by demonstrating that the record is exempt or that the public interest in confidentiality outweighs the public interest in disclosure. (§6255) **If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the specific legal authorities on whom you rely.**

To avoid unnecessary delays or costs of duplication, electronic copies are acceptable and may be emailed directly to melody.lane@reagan.com in pdf format. **Access is always free.** Fees for "inspection" or "processing" are prohibited. (§ 6253)

It is further requested that your determination be made within **10 days, or sooner**, as stipulated within the California Public Records Act, Government Code 6253(c). ***Note these time periods may not be used solely to delay access to the records. (§ 6253(d)) The law makes no provision for extensions due to Covid-19.**

Please do not hesitate to contact me immediately if you have any questions.

Sincerely,

Melody Lane

Founder – Compass2Truth

CPRA 709-070620

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

Sent: Saturday, July 4, 2020 8:06 PM

To: lisa.mangat@parks.ca.gov; barry.smith@parks.ca.gov; Tiffany Schmid (Tiffany.Schmid@edcgov.us); lori.parlin@edcgov.us; Sheriff DAgostini; 'Donald Ashton'; edc.cob@edcgov.us

Cc: Emily.M.Bertram@parks.ca.gov; brian.veerkamp@edcgov.us; john.hidahl@edcgov.us; shiva.frentzen@edcgov.us; sue.novasel@edcgov.us; 'bosfive@edcgov.us'; bosfour (bosfour@edcgov.us); 'bosone@edcgov.us'; 'bosthree@edcgov.us'; 'bostwo@edcgov.us'

Subject: Argonaut Cafe event & Coloma Resort Overcrowding - Public Safety issues - Public Record Act requests

Today around 2 PM exceptionally loud amplified music was emanating from the vicinity of the Marshall Gold Discovery Park. I drove down to the Coloma Post Office and discovered the event was coming from the Argonaut Café on Hwy 49 which has a concession contract with CA State Parks. As you can see by the below photos, the Coloma Resort was obviously packed beyond legal capacity, and cars were parked along Mt. Murphy Road in front of the Coloma Resort and Hwy 49 in front of the Argonaut.

Both the Argonaut Café and the Coloma Resort are run by the Faieta family who are notorious for violating their Special Use Permits in addition to jeopardizing the safety of local residents due to their history of annual illegal fireworks, excessively loud events, and overcrowding. It is significant that the Faieta's do NOT live near Coloma-Lotus, and have absolutely no regard for the law, safety, or quality of life of local residents.

The public safety issues relevant to lack of egress at the Mt. Murphy bridge in the event of another emergency appear to be happening with greater frequency now that the Coloma Resort is open again for business as usual. On Monday June 22nd I had a similar experience to what Bob Day described below. Although I had the right of way, a silver SUV approaching the Coloma Resort obstructed me on the bridge and refused to budge. Rather than get into an altercation, I backed 2/3 of the way across the bridge, then the driver of the SUV flipped me off as he entered the Coloma Resort.

The Coloma Resort has been packed beyond capacity every weekend since Memorial Day, and in the event of another wildfire such as took place on June 4th at the corner of Mt. Murphy and Carvers Roads, those of us on the north side of the river would be doomed since the county has ***no emergency evacuation plan or proper egress for our area.*** THIS IS AN IMPORTANT PUBLIC SAFETY ISSUE FOR OUR COMMUNITY. In addition, note the June 3, 2020 press release issued by Carla Hass on behalf of Dr. Nancy Williams states:

*“Last week, the Governor indicated that approval from local public health officers is necessary for any business to reopen in addition to the State’s release of specific industry guidelines. This caused confusion among public health officers, elected officials and the general public. My direction expressed to and supported by the Board today is simple and clear; as soon as the State issues guidelines for a particular sector, those businesses may reopen as long as they have implemented a safety plan which reflects those guidelines...**I cannot stress enough, however, that if a business reopens before the State-issued guidelines have been posted, it is doing so in violation of the State’s Stay At Home order.**” [Emphasis added]*

Around 3 PM today I stopped at the Park Museum and spoke to Ranger Emily Bertram about the loud event at the Argonaut Cafe, illegal parking, and public safety issues as stipulated within the River Management Plan. I explained the necessity for CSP to issue parking citations and for Quiet Zone violations which need to be reported to the county. Emily remarked that she didn't “appreciate me telling her how to do her job” and rudely walked away from me. When I followed her out to the parking lot, she flippantly remarked, “Tell your complaints to the Sheriff.” There was no excuse for Emily's rude behavior.

The RMP specifically states that it is the jurisdiction of both CSP and EDSO to issue citations and report them to Planning/Development Director Tiffany Schmid. (See Sections 2.1 through 2.2.3 of the RMP as well as the

Table 2-1 & 2-2 Comparison of RMP Elements and the EDC General Plan, Parks & Rec Element.) By the time I left the Park CHP was seen issuing parking citations on Hwy 49 in front of the Argonaut.

When I returned home I called Dispatch to report the amplified event at the Argonaut Café as well as other related public safety issues and frequent intrusions. Deputy Graff responded to my call at approximately 3:35 PM, however he claimed that he was not in the area. He became very argumentative and refused to issue a Case File number, so it became necessary for me to call Dispatch again to request that a deputy respond directly to my home to take the necessary facts, and issue a Case File number.

Deputy Toney showed up at approximately 6 PM and cooperatively issued Case File EG#20-05423. Since the Sheriff has a "See something, say something" policy, Deputy Toney was also apprised of the apparent casing of my property, trespassing, speeding/racing incidents on the blind curve, and groups congregating in front of my gate just since Thursday of this week. Rather coincidentally while taking my report Deputy Toney received an emergency call that an individual had dislocated their shoulder while on the river within the State Park.

Therefore, pursuant to California Public Records Act (Government Code Section 6250 et seq.) I request the following:

Since Sheriff D'Agostini has *threatened me* for the exercise of my First Amendment rights and *unlawfully* deprived me the right to email EDSO staff, Deputy Toney advised me to email this request to the appropriate staff in order to obtain a copy of Case File 20-5423. His report should be emailed to me immediately upon the submission by Deputy Toney. A copy of this report should also be filed with Planning and Development Director Tiffany Schmid and to Supervisor Lori Parlin to ensure appropriate follow up as per the RMP:

Note Section 2.4.2 *"During weekend days, on-river staff will provide patrol and respond to safety, trespass, and noise issues. Boat counts and coordination with the Sheriff related to trespass and illegal parking incidents will be conducted by on-shore staff."*

Section 2.5 states: *"The Sheriff's Department will remain the lead agency for river emergency response. The Sheriff's Department will continue its river regulation and law enforcement functions, and coordinate with the El Dorado County Fire Protection District and RSC in all river rescue planning and response functions."*

Section 4.8.1: *"Observed or reported violations of Quiet Zone regulations or County noise standards will be reported to the County Code Enforcement Officer or the Sheriff's Department, as appropriate, within 2 working days of the occurrence."*

Section 4.8.2: *"More than two noise exceedance citations per year issued to SUP holders may result in a formal hearing considering the noise exceedances and the possible imposition of fines and other disciplinary measures on violators."*

Section 4.8.3: *"More than two noise exceedance citations in two consecutive years may result in a formal recommendation for limitation or revocation of an SUP to the County Code Enforcement Officer and Planning Director."*

I also request EDC and CSP email me copies of the signed and dated safety plans for the Argonaut Café and the Coloma Resort as per the above directive issued by Dr. Nancy Williams. If those plans do not exist, please so state. To avoid unnecessary delays or costs of duplication, electronic copies are acceptable and may be emailed directly to melody.lane@reagan.com in pdf format. **Access is always free.** Fees for "inspection" or "processing" are prohibited. (§ 6253)

It is further requested that your determination be made within **10 days, or sooner**, as stipulated within the California Public Records Act, Government Code 6253(c). ***Note these time periods may not be used solely to delay access to the records. (§ 6253(d)) The law makes no provision for extensions due to Covid-19.**





Melody Lane
Founder – Compass2Truth

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#

On Behalf Of Bob Day

Sent: Sunday, June 14, 2020 6:48 PM

To: Coloma-Lotus News

Cc: bosfour@edcgov.us

Subject: [CLNews] Thanks to Coloma Gold Discovery Park Employees

TODAY, SOME PATRONS LEAVING AND SOME PATRONS GOING TO THE COLOMA RESORT ON THE OTHER SIDE OF THE MT. MURPHY BRIDGE HAD A DISPUTE AS TO WHO HAD THE RIGHT OF WAY, AS THEY MET NEAR THE MIDDLE OF THE BRIDGE. NEITHER OF THE PARTIES REFUSED TO BUDGE. TRAFFIC WAS COMPLETELY STOPPED AND IT IMPACTED TRAFFIC ON HIGHWAY 49.

THANKFULLY TWO LADIES WHO WORK FOR THE STATE PARK GOT INVOLVED IN DIRECTING TRAFFIC AND RESOLVING THE DISAGREEMENT BETWEEN THE PARTIES. THEY HAVE ASKED THAT THEIR NAMES OR PICTURES NOT BE POSTED.

THANKFULLY THERE WERE NO FIRE EMERGENCIES, MEDICAL EMERGENCIES, OR POLICE CALLS THAT NECESSITATED CROSSING THE BRIDGE DURING THAT TIME. EVEN AFTER THE INITIAL DELAY WAS RESOLVED, MULTIPLE PATRONS ATTEMPTING TO ENTER THE COLOMA RESORT CAUSED ANOTHER BACKUP ON THE BRIDGE. IT TOOK ME ABOUT 45 MINUTES TO CROSS THE MT. MURPHY BRIDGE.

PLEASE KEEP IN MIND IF THE BRIDGE IS BLOCKED WITH TRAFFIC THE CALIFORNIA HIGHWAY PATROL IS TO BE CALLED AT 916 861 1300. I DID CALL THEM BUT THE CALL WAS CANCELLED AFTER THE IMPASSE WAS RESOLVED.

BOB DAY
Mad Dog Mesa



P.O. Box 316
4000 & 4016 TWIN RIDGES ROAD
COLOMA, CA 95613

WWW.MADDOGMESA.COM

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