

From: melody.lane@reagan.com
Sent: Sunday, May 18, 2025 7:37 PM
To: Kim Dawson; BOS-Clerk of the Board; Lori Parlin; George Turnboo
Cc: David A Livingston; Tiffany Schmid; BOS-District V; BOS-District IV; BOS-District I; BOS-District III; BOS-District II
Subject: 5/20/25 BOS Agenda Item #41 - DOT Road Maintenance Projects - Public Comments
Attachments: 4-24-25 DOT APS Inspection Reports.doc; 4-29-25 BOS OF - DOT TPA PRAs.docx

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Please ensure the entirety of this correspondence, including the attachments, are added to BOS Agenda Item 41 – DOT Road Maintenance.

It is a gross manipulation by the BOS and in violation of the Brown Act to put this agenda item under Department Matters which “can be heard at any time” during the day. In so doing, you are excluding most citizens who don’t have all day to wait around for a dog-and-pony show presented by Rafael Martinez about what a great job DOT maintenance is doing. Rafael is presenting the same *deceptive baloney* that he and four of his DOT staff already presented during the April 28th Taxpayers Association meeting.

Don’t forget who you work for...

The preamble to the Brown Act explicitly says, “**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**.”

LET THAT SINK IN.

Please read my below correspondence with Raphael Martinez. His condescending attitude, stammering excuses, and insincere apology are offensive and totally unacceptable. Your culpability for condoning and exonerating his unlawful conduct is criminal.

Regards,

Melody Lane

Founder – Compass2Truth

~ By identifying **the people's sovereign will** not with its latest but its oldest expression, **the Framers succeeded in identifying the people's authority with the Constitution**, not with the statutory law made by their representatives. ~

From: melody.lane@reagan.com <melody.lane@reagan.com>

Sent: Thursday, April 24, 2025 4:06 PM

To: 'Rafael Martinez' <Rafael.Martinez@edcgov.us>; Kim Dawson <Kim.Dawson@edcgov.us>; edc.cob@edcgov.us
Cc: 'David A Livingston' <david.livingston@edcgov.us>; 'Tiffany Schmid' <Tiffany.Schmid@edcgov.us>; 'Lori Parlin' <lori.parlin@edcgov.us>; 'BOS-District V' <bosfive@edcgov.us>; 'BOS-District IV' <bosfour@edcgov.us>; 'BOS-District I' <bosone@edcgov.us>; 'BOS-District III' <bosthree@edcgov.us>; 'BOS-District II' <bostwo@edcgov.us>; contact@edcgrandjury.com
Subject: RE: Mt. Murphy Road deterioration since 2024 double-chip seal - Public Record Act Request for Information

Rafael,

Your condescending attitude, stammering excuses, and insincere apology are offensive and unacceptable. You had more than sufficient time to respond to my PRAs and complaints, but instead you chose to ignore them. It took my public expose of DOT malfeasance during Tuesday's BOS Agenda Item #22 to garner a response from you, yet you still managed to avoid addressing the issues. The public is entitled to honest services which you appear to be incapable of providing.

Like all other public employees, you have taken an oath to support and defend the state and national constitutions. When public officials, such as you, take oaths yet are ignorant of the constitutional positions and mandates to which they are bound by those oaths, then fail to abide by those positions and mandates in the performance of their official duties, as you have failed, this suggests that the public officials may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute fraud. Fraud vitiates any action. Any deceptive, obstructive enterprise undertaken by any public official, such as you, that tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy and against the Supreme Law of the land and any other laws which comply with the national Constitution.

Attached you will find a new PRA pertaining to the defective double chip seal applied last year by American Pavement Systems to Mt. Murphy Road. Please do not resort to any more of your obfuscations and diversions. *Note that I have requested a Read Receipt on this email.

If there is anything you do not understand about this perfectly clear PRA, then I additionally request you make the effort to **personally** contact me immediately.

Regards,

Melody Lane

Founder – Compass2Truth

"In keeping silent about evil, in burying it so deep within us that no sign of it appears on the surface we are implanting it, and it will rise up a thousandfold in the future. When we neither punish nor reproach evildoers...we are ripping the foundations of justice from beneath new generations." ~Aleksandr Solzhenitsyn

From: Rafael Martinez <Rafael.Martinez@edcgov.us>

Sent: Wednesday, April 23, 2025 12:10 PM

To: 'melody.lane@reagan.com' <melody.lane@reagan.com>

Cc: David A Livingston <david.livingston@edcgov.us>; Tiffany Schmid <Tiffany.Schmid@edcgov.us>; Lori Parlin

<lori.parlin@edcgov.us>; BOS-District V <bosfive@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District I

<bosone@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District II <bostwo@edcgov.us>

Subject: RE: Mt. Murphy Road deterioration since 2024 double-chip seal

Melody,

I apologize for the delay in responding as we understand that changes to road surface can be frustrating, especially in the more remote areas of the county; however, we needed time to look into your concerns, and employees with key information were out of the office. As always, we appreciate you sharing your concerns, so in regard to your continued concerns about the recent two-layer chip seal project (chip seal is a proven and cost-effective method for improving, preserving and extending the life of once unimproved road surfaces) on Mt. Murphy Road, we agree that it has shown some failures and we plan to make repairs to the failures in the near future, but please note that the failure rate is less than 1%, which is well within industry standards. And as you are aware, from the responses provided to your August 2024 PRA, the project was inspected by a County DOT employee and it met the project work standards as outlined in Exhibit A of the agreement, which was also provided to you at the time of your PRA. With that said, repairs will be made, and we will continue to monitor Mt Murphy Road to ensure safety and performance meets expectations.

I hope the information provided helps to alleviate some of your concerns and, I invite you to join us at the Board on May 20, 2025, when we will making a road maintenance presentation.

Sincerely,
Rafael Martinez
Director

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

From: melody.lane@reagan.com <melody.lane@reagan.com>

Sent: Thursday, April 10, 2025 7:46 PM

To: Rafael Martinez <Rafael.Martinez@edcgov.us>; Lori Parlin <lori.parlin@edcgov.us>

Cc: David A Livingston <david.livingston@edcgov.us>; Tiffany Schmid <Tiffany.Schmid@edcgov.us>; BOS-District V <bosfive@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District I <bosone@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District II <bostwo@edcgov.us>

Subject: Mt. Murphy Road deterioration since 2024 double-chip seal

Mr. Martinez, et al,

Below you will find photos taken within this past week of the rapidly deteriorating condition of Mt. Murphy Road directly in front of my property. This pothole is 16-18 feet long. It is clearly evident the **improperly applied double chip** seal done in July 2024 that you assured us would last "5-10 years" was a **total waste of taxpayer resources**.

As you are aware, the road began deteriorating only one month after the double chip seal was improperly applied to the road last summer. Since then, you have received numerous photos demonstrating the deterioration of other sites along the 1.5 mile stretch of road that are in need of repair, not to mention the 8 tons of gravel that the American Pavement Systems contractor tried to sell me, but I've heard nary a word from you. (see attachment)

The County's Good Governance Policy requires employees to be responsive and accountable to constituents. DOT clearly is remiss in their duty to address the improperly applied double chip seal to Mt. Murphy Road. Per the 48-page American Paving contract signed by Lori Parlin, the contractors work is guaranteed for one year. Accordingly, American Pavement is required to repair the obviously **defective** work along the entirety of the 1.5 mile portion of Mt. Murphy Road at no cost to the County.

44. Guarantee

Final Guarantee: Contractor shall guarantee all materials and equipment furnished and a period of one (1) year. Contractor warrants and guarantees for a period of one (1) year from the date of the Work that the Work is free from all defects due to faulty materials or workmanship and will promptly make such corrections as may be necessary, including repairs of any damage to or resulting from such defects at no cost to County. County will give notice of observed defects promptly. In the event that Contractor should fail to make such repairs, adjustments, or other work made necessary by such defects, County may do so and charge Contractor the cost thereby incurred.

It is irresponsible for the County to commence with spending \$39 million of taxpayers resources on the Mt. Murphy Bridge replacement without addressing the entirety of the inferior condition of the lower 1.5 mile portion of Mt. Murphy Road. I can only imagine what other DOT CIP projects within the County have been swept under the carpet of government bureaucracy. I highly suggest that you find a more competent paving agency and/or project manager who will ensure quality assurance.

Please ensure a timely response to this inquiry, with a specific time frame as to when the defective work done to Mt. Murphy Road will be properly corrected either by American Pavement, DOT staff, or another contractor.

Sincerely,

Melody Lane

Founder – Compass2Truth

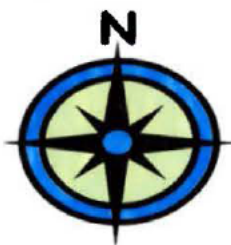
As history teaches us, if the people have little or no knowledge of the basics of government and their rights, those who wield governmental power inevitably wield it excessively. After all, a citizenry can

only hold its government accountable if it knows when the government oversteps its bounds. ~ John Whitehead ~









Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

April 24, 2025

To: DOT Director Rafael Martinez
District #4 Supervisor Lori Parlin
BOS Chairman George Turnboo
CAO Tiffany Schmid
Chief Counsel David Livingston

CA PUBLIC RECORDS ACT REQUEST

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain **via email**:

1. The Inspection Report for the DEFECTIVE double chip seal applied in July 2024 by American Pavement Systems to Mt. Murphy Road. Please ensure that the identity of the DOT Quality Assurance Inspector for the project Inspection Report is clearly legible.
2. Inspection Reports identifying **all other El Dorado County paving projects** covered by the 48-page American Pavement Systems contract signed by Supervisor Lori Parlin.
3. All correspondence between **DOT staff and American Pavement Systems** pertaining to **notification of defective workmanship** and their responsibility to "cure and correct" the defective double chip seal as per the APS contract. If no such correspondence exists, then please indicate immediately.
4. Please provide the **work order with the specific time frame** for American Pavement Systems, or any other agency identified, to "cure and correct" the defective double chip seal applied to Mt. Murphy Road. Such work order should also indicate the cost of the "cure and correct" project to be billed to American Pavement Systems at no cost to the County.

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)

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.**

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))**

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

Sincerely,

Melody Lane

Yesterday Rafael Martinez and 4 of his staff gave a presentation to the Taxpayers Association. Conspicuously missing were Lee Tannenbaum and Carol Louis. Not surprisingly, Kris Payne attempted to control questions and dialog directed to DOT staff before he left the meeting early.

Questions pertaining to DOT Grant Funds and lack of DOT responsiveness to constituents were raised by the remaining individuals in the room, but as usual, Rafael circumvented direct answers to inquiries. **Read that as he LIED.**

Attached are two PRAs pertaining to the Mt. Murphy Bridge Grants and potholes that developed within only one month of American Pavement Systems obviously defective application of a double chip seal to the road. Additionally, the BOS and Grand Jury received photos of the 15-18 foot pothole in front of my property that substantiates a complaint that I submitted to the Grand Jury.

Per the American Pavement Systems contract signed by Lori Parlin, the APS contract clearly indicates that the detective workmanship is to be corrected at no cost to the County. However, Rafael Martinez and Lori Parlin refuse to address constituent concerns. **Rafael made it clear yesterday DOT is logging these complaints, but it may be a week, a month, or even a year before constituents will receive a response. That is unacceptable.**

Likewise, DOT needs to be responsive to PRAs in a timely manner and assure accountability to constituents. **Note there is nothing ambiguous about my attached PRAs, nor is there any excuse for Rafael Martinez or Joe Harn to withhold this public information.**

Melody Lane

Founder – Compass2Truth

"It will be of little avail to the people that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man who knows what the law is today can guess what it will be tomorrow." James Madison, Federalist No. 62, 1788

From: melody.lane@reagan.com <melody.lane@reagan.com>

Sent: Thursday, April 24, 2025 3:38 PM

To: 'El Dorado County Public Records Center' <eldoradocountyca@mycusthelp.net>; 'Shanann A. Findley' <shanann.findley@edcgov.us>; rafael.martinez@edcgov.us; john.kahling@edcgov.us; Joe Harn <joe.harn@edcgov.us>; 'George Turnboo' <George.Turnboo@edcgov.us>

Cc: 'David A Livingston' <david.livingston@edcgov.us>; 'Lori Parlin' <lori.parlin@edcgov.us>; contact@edcgrandjury.com; bosfive@edcgov.us; bosfour <bosfour@edcgov.us>; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: RE: Public Records Request :: P007693-031025

Rafael, et al,

The links that Ms. Findley submitted failed to provide the specific information requested in this PRA.

Once again I will attempt to clarify:

I expect to receive **each of the actual GRANT DOCUMENTS** going all the way back to the inception of the Mt. Murphy Bridge Replacement CIP, which I believe was around 2012-2013. This information is necessary in

order that the grants may be examined to determine if the expenditures actually comply with **statutory, regulatory, and policy limitations/requirements** as outlined in **Chapter 6 of the Highway Bridge Program**:

The HBP has many statutory, regulatory, and policy limitations on how funds can be utilized on bridge projects. The purpose of these rules is to ensure that federal funds are dedicated to solving bridge structural safety problems. Since LPAs are financially accountable for meeting these requirements, it is essential that LPA decision-makers understand these guidelines.

The intent of the HBP is to remove structural deficiencies from existing local highway bridges to keep the traveling public safe. The HBP goal is to keep local highway bridges in good condition through a preventive maintenance program and to fix bridges that are in fair condition. A bridge that is in poor condition must utilize the most cost-effective and prudent solution to improve its condition from poor to fair or good.

Furthermore, you failed to provide DETAILED grant expenditures for the years PRIOR to FY 2023/24.

All Figures in Thousands

Expenditures	Prior FY*	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29-32/33	FY 33/34-42/43	Total
PIng/Env Consultant	1,644								1,644
PIng/Env DOT Staff	1,056								1,056
Design Consultant	303	800	300						1,403
Developer Advanced Design									
Design DOT Staff	138	150	150						438
ROW Acquisition		140	100						240
ROW Utility Relocation									
ROW Consultant	10	30							40
ROW DOT Staff	20	30	10						60
Constr Eng Consultant			500	550	375				1,425
Const Eng Staff			500	550	375				1,425
Construction			7,500	8,000	5,000				20,500
Developer Built									
Environmental Mitig. Monitor Consult.									
Environmental Mitig. Monitor Staff	1								1
Totals	3,173	1,150	9,060	9,100	5,750				28,233

A detailed accounting of all grant expenditures from inception of the CIP to present is necessary to determine whether these funds are being properly applied to the CIP or perhaps laundered elsewhere.

Accountability plays an important role in the county budgeting process. At present EDC has a \$20M deficit. Therefore, I would also appreciate an explanation as to why the Mt. Murphy Bridge CIP jumped from \$28M to \$39M??? Where exactly is that extra \$11M coming from???

If Mr. Martinez is unable to provide the requested information, then auditor Joe Harn should, theoretically, be willing and able to assist in accounting for the expenditures on this CIP.

If there is anything you still do not understand about this PRA, then please contact me immediately. I look forward to your prompt attention to this matter.

Melody Lane

Founder – Compass2Truth

~ By identifying the people's sovereign will not with its latest but its oldest expression, the Framers succeeded in identifying the people's authority with the Constitution, not with the statutory law made by their representatives. ~