

#22

I have not yet received the courtesy of a response from either DOT Director Rafael Martinez or Supervisor Lori Parlin to my 4/10/25 inquiry concerning DOT's responsibility to **cure and correct** the obviously **defective double chip seal** applied to Mt. Murphy Road last summer by American Pavement Systems and the rapidly deteriorating conditions resulting in numerous potholes. This was the subject of my GJ complaint.

The APS contract signed by Lori Parlin clearly indicates that any defective materials or workmanship by APS is warranted and guaranteed for one year from date of acceptance of the work. Additionally, the APS Project Manager attempted to fraudulently sell me 8 tons of gravel that should have been applied to the road. My tax dollars already paid for the labor and materials, so I wasn't about to pay for them a second time.

You are reminded about the EDC Good Governance Policy and your duty to be responsive to constituents. Furthermore, when the BOS has knowledge of wrong doing, but fails to take remedial action, then the County becomes complicit and liable. Clearly DOT and the BOS are remiss in their fiduciary to manage taxpayer resources in a responsible manner.

EDC failed to "give notice with reasonable promptness" to APS about the defective double chip seal to Mt. Murphy Road, therefore I contacted them. However, that does not absolve Mr. Martinez, Lori Parlin, or George Turnboo of their responsibility to take remedial action concerning the defective workmanship to Mt. Murphy Road.

The County's Good Governance Policy requires staff to be **responsive and accountable** to constituents. DOT clearly is remiss in their obligation 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 against defective materials or workmanship. Accordingly, American Pavement is required to repair the obviously **defective** work along the entirety of the 1.5 mile portion of the road at no cost to the County.

It is irresponsible for the County to commence with spending \$39 million of taxpayers resources on the "Mt. Murphy Bridge-To-Nowhere" replacement without addressing the deteriorating condition of the lower 1.5 mile portion of the road.

This should be a no-brainer. The law requires you to respond publicly to this inquiry, with a specific time frame as to when the defective work done to Mt. Murphy Road will be properly remediated either by American Pavement Systems, DOT staff, or another contractor.

Kim Dawson

From: melody.lane@reagan.com
Sent: Tuesday, April 22, 2025 3:30 PM
To: Kim Dawson; BOS-Clerk of the Board; George Turnboo; Mark Treat; Rafael Martinez; Lori Parlin
Cc: David A Livingston; Tiffany Schmid; Shelley Wiley; contact@edcgrandjury.com; Noel Stack
Subject: 4/22/25 BOS Public Comments - Approval of the Agenda/Item #22 Request Time Specific and Item #22 - BOS Responses to the GJ/DOT
Attachments: Brown Act Rights of the Public.docx; EDC Core Values.docx

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Please ensure the entirety of my below public comments, including the attachments, are entered into the public record under Approval of the Agenda/Consent **and** under Item #22 – BOS Responses to the Grand Jury.

But first I'd like to address my last statement to George Turnboo about his disrespect for the law and the Brown Act:

Chairman Turnboo:

As Chairman, you have the responsibility to act as spokesperson for the entire Board of Supervisors. This morning the pastor of Cool Community Church prayed that the BOS would have the "courage to do the right thing", but apparently that prayer fell upon deaf ears.

I was within my 1st Amendment rights to specifically request that Item #22 Department Matters/GJ Responses be assigned a specific time so that constituents wouldn't have to waste their entire day waiting for the Item to be called "at any time." You are a public servant, so don't forget who you work for...

Before I even began my comments I distributed the Brown Act Rights of the Public to the BOS (attached) so you would have a point of reference. **Pay particular attention to the wording within the Brown Act preamble.**

By refusing to respond to my previous email requesting a specific time be assigned to Item #22, and then deferring to David Livingston regarding my time-specific request, you flaunted blatant discrimination and disrespect for the sovereignty of the public. Mr. Livingston is NOT your spokesperson, nor does he represent the voice of the BOS. **That's your job as BOS Chairman.**

Furthermore, you failed to address my DOT concerns which was in direct violation of the EDC Good Governance Policy and Core Values.

It became very evident that the constituents who called in on Zoom regarding DOT were equally outraged by how out of control the BOS have become under the guidance/Bureaucratic Shenanigans of Mr. Livingston. It was even more painfully evident how little the BOS regards the effectiveness of the Grand Jury.

The stammering excuses and flat out lies that Rafael Martinez offered to the BOS today proved that he is incompetent to serve as one of the most highly paid staff in EDC.

Shame on you George. You demonstrated beyond a shadow of a doubt that you are also unfit to serve as Chairman of the BOS.

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.**"

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Melody Lane, Founder – Compass2Truth 4/22/25 Approval of Agenda - #22 DOT GJ Response

Pursuant to my rights under §54954.3 of the Brown Act, I am requesting that you assign Item #22 – Grand Jury Responses - **a specific time** on the BOS agenda rather than surreptitiously burying it under Department Matters which "may be called at any time" during the day. If Mr. Livingston is advising the BOS to call Department Matters "at any time", then it is a violation of the Brown Act which stipulates:

"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 [such as calling an item at any time during the day] must be narrowly tailored to effectuate a compelling state interest...and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo thereby foreclosing meaningful public dialog."

In fact, Mr. Livingston will recall a conversation we had at the rear of this room a few years ago concerning **Marbury v. Madison** which states, "Any law that is repugnant to the Constitution is null and void." Ultimately the Constitution and all laws are based upon the laws of God. Let's not forget the EDC Core Values of **accountability, collaboration, integrity** – doing what is right *legally and morally* at all times regardless of whether or not someone is watching, and **service excellence** – providing comprehensive service to all citizens.

Chairman Turnboo, being the man of God that you profess to be, I hope you'll do what is right in the sight of both man and God. Therefore, please show due respect for the constitution, the law, and your constituents by scheduling a specific time to address this agendized item as required under section 54954.2E(3) of the Brown Act.

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4/22/25 Melody Lane – Founder, Compass2Truth - #22 Department Matters/GJ responses

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Melody Lane

Founder – Compass2Truth

"We are fast approaching the stage of the ultimate inversion: the stage where the government is free to do anything it pleases, while the citizens may act only by permission; which is the stage of the darkest periods of human history, the stage of rule by brute force."—Ayn Rand

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).)

EDC Core Values:

Accountability

Responsible for our decisions and behavior. Creating a safe environment where we are answerable to our citizens, co-workers, superiors, direct reports, and other stakeholders.

Collaboration

Cross-functional teamwork, communication, and cooperation countywide, while creating a silo-free organization.

Integrity

Doing what is right legally and morally at all times regardless of whether or not someone is watching.

Service Excellence

(Citizen-Oriented Service) – Provide comprehensive service to all citizens of El Dorado County while loyally doing our job without expectation of recognition or personal gain.