

Kim Dawson

From: melody.lane@reagan.com
Sent: Tuesday, June 27, 2023 1:30 PM
To: BOS-Clerk of the Board; Kim Dawson; David A Livingston; Tiffany Schmid; Wendy Thomas; George Turnboo; Brooke Laine; Lori Parlin
Cc: Ashley A. Johnson; Rafael Martinez; Shelley Wiley
Subject: 6/27/23 BOS Open Forum Public Comments - Government Tyranny
Attachments: 6-6-23 Mt Murphy Road Veerkamp repair costs resurface.doc; 6-20-23 PRA 6-6-23 corresp - noncompliant.docx; Brown Act Rights of the Public.docx

Please ensure that the entirety of this correspondence, including the attachments, are submitted into the minutes and also ensure an appropriate response to the PRA and associated **highlighted inquiries**. Note that Wendy Thomas deliberately avoided a public response to my petition for redress of grievances which is in violation of the Brown Act Rights of the Public and her oaths of office.

###

First, I want to address the fact our elected representatives have been violating the Brown Act, their oaths of office, and PRA requests for information. It is a First Amendment right of citizens to petition government for redress of grievances. For example, this morning there were 50 Consent items. I had requested #18 regarding the Coloma Lotus Advisory Committee be pulled from Consent until such time that Lori Parlin returns July 10th so she can address the objections to specific appointments. Lori Parlin's office has been unresponsive to constituents, hence the petition for her recall. **The CAO responded *after the fact* that the Consent items were all routine. That was a false statement and a devious tactic to avoid transparency or accountability.**

Another example was last week when I inquired why the BOS meeting began at 8 AM instead of the usual 9 AM. Because there was no public notification of this change I arrived late and was unable to make my remarks concerning your support of the LGBTQ Consent item which represents perverted biblical values and sexual grooming of our children. What God calls an abomination, you call "Pride", then elevate it to acceptable conduct and snuck in under Consent. Everyone knows pride goes before the fall.

I also was unable to comment last week about a PRA submitted June 6th concerning **Mt. Murphy Road repairs**. There has been an abysmal lack of staff response or adherence to the Freedom of Information Act. DOT Tech Ashley Johnson failed to email me the requested documentation and responded, **"If you have any additional comments or clarifications, please contact road maintenance at (530) 642-4909."** The law is clear that the county is obligated to provide PRA info **in whatever form I request**. I emailed you all to apprise you of the stalemate and Ashley's absurd response. Her perfunctory replies were insulting and insinuate the county has **no intention of complying with the law**.

Lastly, John Hidahl was grossly in error and in violation of his oaths of office when he stated that DOT **"did not have to respond to Melody's comments."** That hypocritically contradicts the EDC Core Values of **Accountability, Integrity, Service Excellence, and Collaboration**. I specifically asked you to please advise **who exactly is responsible for the follow up on PRAs to ensure they don't fall through the cracks.**

You have all received all the same correspondence but have remained deaf and dumb to the spirit and letter of the law. When public servants refuse to respond to verbal or written requests for information, then they have abused the public trust and due process of law. Either you are censoring my correspondence, or you are

deliberately ignoring them which is against the law and contrary to Good Governance and your oaths of office.
Pursuant to my rights I demand your public response to these grievances.

- 1) PRA 5859-060623 & correspondence

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.”



Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

June 6, 2023

To: District #4 Supervisor Lori Parlin
DOT Director Rafael Martinez
Environmental Management Director Jeffrey Warren
Clerk of the Board Kim Dawson

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. All documents pertaining to the scope and total cost of the repairs completed in April 2023 by Doug Veerkamp Engineering and Construction due to the 12/31/22 landslide, flooding, and road failures specifically on Mt. Murphy Road in Coloma. These materials should be immediately accessible.
2. Mt. Murphy Road was formerly a solid surface. Residents have frequently expressed concerns about increased traffic creating an environmental/health/safety hazard due to clouds of airborne particulate matter. Theoretically the road resurfacing should be included in the Mt. Murphy Bridge CIP. Please provide all documents related to DOT's projected plan/schedule to resurface the dirt and gravel segment of Mt. Murphy Road with a solid material in order to mitigate the hazardous particulate matter. If no such documents/plans exist, then please so state immediately.

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

Founder – Compass2Truth

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

Sent: Thursday, June 8, 2023 6:16 PM

To: 'El Dorado County Public Records Center' <eldoradocountyca@mycusthelp.net>; 'David A Livingston' <david.livingston@edcgov.us>; Tiffany Schmid <Tiffany.Schmid@edcgov.us>

Cc: rafael.martinez@edcgov.us; 'Lori Parlin' <lori.parlin@edcgov.us>; rafael.martinez@edcgov.us; bosfive@edcgov.us; bosfour <bosfour@edcgov.us>; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: RE: Public Records Request :: P005859-060623

In light of the fact the below correspondence sent 6/9/23 at 6:01 PM was BOUNCED BY THE SYSTEM, it is being resubmitted to the SYSTEM FOR THE PUBLIC RECORD:

Ms. Johnson, et al,

You appear to have a problem understanding and applying the law concerning PRAs, so quit with the Bureaucratic Shenanigans. In the event you need clarification I've attached a Guide to CA Public Record Act Requests to help educate you.

Furthermore, your absurd remark, "*If you have any additional comments or clarifications, please contact road maintenance at (530) 642-4909*" is insulting and insinuates the county has no intention of complying with the law.

Sunshine laws governing PRAs have not changed: "THE PEOPLE OF THIS STATE DO NOT YIELD THEIR SOVEREIGNTY TO THE AGENCIES WHICH SERVE THEM. 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 INSIST THEY MAY RETAIN CONTROL OVER THE INSTRUMENTS THEY HAVE CREATED." Whether I come into the county offices to examine public records, make a verbal PRA on the phone, request the documents be sent USPS, or request they be *efficiently sent via email to avoid unnecessary costs of duplication*, the county is still obligated to provide that info *in whatever form I request*.

To reiterate my previous PRA, please provide ALL the following information requested and note the highlights:

With regard to your insufficient response to items #1 and #2, **no pdf files were attached**, nor were the documents sent **directly** to melody.lane@reagan.com as specified in this PRA submitted 6/6/23 wherein I requested:

- **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.**
- If no such documents/plans exist, then please so state immediately.

Also please note such government obfuscations and delay tactics are strictly prohibited:

- **The agency must provide assistance** by helping to identify records and information relevant to the request and suggesting ways to **overcome any practical basis for denying access.** (§ 6253.1)
- **An agency has 10 days to decide if copies will be provided.** In "unusual" cases (request is "voluminous," seeks records held off-site, OR requires consultation with other agencies), the agency

may upon written notice to the requestors give itself an additional 14 days to respond. (§6253(c)) These time periods may not be used solely to **delay access** to the records. (§ 6253(d))

- **Access is immediate** and allowed at all times during business hours. (§ 6253(a)). Staff need not disrupt operations to allow immediate access, but a decision on whether to grant access must be prompt. An agency may not adopt rules that limit the hours records are open for viewing and inspection. (§ 6253(d); 6253.4(b))

Lastly, no response has been forthcoming regarding 6/6/23 correspondence sent at 2:38 with County Counsel and staff, specifically:

1. Please advise **who exactly is responsible for the follow up on PRAs** to ensure they don't fall through the cracks such as the related P005444-013123? (Name and title please)
2. Also please explain why there has been no response to my last email on 2/10/23 at 8:42 AM concerning P5444-013123??

In conjunction with the above, please note John Hidahl was grossly in error and in violation of his Constitutional oaths of office when he stated during the BOS that DOT "*did not have to respond to Melody's comments.*" Mr. Hidahl's statement hypocritically contradicts the EDC Mission, Vision, and EDC Core Values of **Accountability, Integrity, Service Excellence, and Collaboration** that are posted on the wall of the BOS chambers.

Please contact me immediately if you have any questions or need further clarification.

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: Ashley A. Johnson <ashley.johnson@edcgov.us>
Sent: Thursday, June 8, 2023 4:24 PM
To: melody.lane@reagan.com
Subject: Public Records Request (P005859-060623)

Dear Melody Lane,

Pursuant to California Government Code § 6253, I am writing in response to your Public Records Act ("PRA") request, received on June 6, 2023, requesting documentation for Mt. Murphy emergency repairs and planned resurfacing. I am submitting this letter within the ten-day period for response set out in Government Code § 6253(c).

After a review, the County has determined that **it has non-exempt records** which are responsive to your request. We have already evaluated the items in your PRA request. Please see the following specific responses:

- Request #1: You asked for "all documents pertaining to the scope and total cost of the repairs completed in April 2023 by Doug Veerkamp Engineering and Construction due to the 12/31/22 landslide, flooding, and road failures specifically on Mt. Murphy Road in Coloma. These materials should be immediately accessible."
 - Response #1: The approved work order and final invoice are attached as PDF's in GovQA.

- Request #2: Mt. Murphy Road was formerly a solid surface. Residents have frequently expressed concerns about increased traffic creating an environmental/health/safety hazard due to clouds of airborne particulate matter. Theoretically the road resurfacing should be included in the Mt. Murphy Bridge CIP. Please provide all documents related to DOTs projected plan/schedule to resurface the dirt and gravel segment of Mt. Murphy Road with a solid material in order to mitigate the hazardous particulate matter. If no such documents/plans exist, then please so state immediately.”
 - Response #2: The MOU between Air Quality Management District and Department of Transportation is attached as documentation of the approved grant on GovQA as a PDF. There is not currently a confirmed date for Mt. Murphy Road paving operations, however it is required to be completed by 2027 based on the grant approval dates.

For the records released, you may access the records by visiting the El Dorado County Public Record Center at the following link: [Public Record Center](#). If you have any trouble accessing records, please contact my office as described below so that we can help resolve the problem.

Please note that all public record requests are limited only to records maintained in the normal course of business by the County and records that are within the County’s custody, control, and access. Please also note that we will not produce records that are privileged or otherwise exempt from disclosure pursuant to State and Federal laws, including exemptions identified in Gov. Code Section 6254, et seq., and additional exemptions specifically incorporated under Gov. Code Section 6254(k). This includes documents pertaining to pending litigation or claims, and documents protected by the attorney-client privilege, attorney work product, and official information privileges.

If you have any additional comments or clarifications, please contact road maintenance at (530) 642-4909.

Sincerely,

Ashley Johnson

Sr. Administrative Analyst

County of El Dorado

Department of Transportation
Maintenance and Operations Division
2441 Headington Road
Placerville, CA 95667
Phone (530) 642-4925
ashley.johnson@edcgov.us

My regular office hours are Monday through Friday from 8 am to 4:30 pm. I am in the office on Tuesday and Wednesday and telework Monday, Thursday and Friday.

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Sent: Thursday, June 8, 2023 1:24 PM

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Cc: rafael.martinez@edcgov.us; john.hidahl@edcgov.us; george.turnboo@edcgov.us; wendy.thomas@edcgov.us; Brooke Laine <Brooke.laine@edcgov.us>; bosfive@edcgov.us; bosfour

<bosfour@edcgov.us>; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: RE: Public Records Request :: P005859-060623

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If you have any additional comments or clarifications, please contact road maintenance at (530) 642-4909.

Sincerely,

Ashley Johnson

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).)