

*Public Comment #22
BOS Rec'd. 4/21/25*

From: Kim Dawson
Sent: Monday, April 21, 2025 9:08 AM
To: BOS-Clerk of the Board
Subject: FW: Please pull 4/22/25 BOS Agenda Item #22 - Department Matters/Grand Jury Responses - DOT/Mt. Murphy Road deterioration
Attachments: Brown Act Rights of the Public.docx; 2025 DOT Grand Jury Complaint.doc

Can you please include with public comment for item 22 tomorrow and the attachments. Thanks, Kim

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@reagan.com <melody.lane@reagan.com>
Sent: Friday, April 18, 2025 7:12 PM
To: Rafael Martinez <Rafael.Martinez@edcgov.us>; Lori Parlin <lori.parlin@edcgov.us>; Kim Dawson <kim.dawson@edcgov.us>; BOS-Clerk of the Board <edc.cob@edcgov.us>; George Turnboo <George.Turnboo@edcgov.us>; David A Livingston <david.livingston@edcgov.us>; Tiffany Schmid <Tiffany.Schmid@edcgov.us>
Cc: 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>; Joe H. Harn <joe.harn@edcgov.us>; contact@edcgrandjury.com; dpimley@americanpavementsystems.com; kwengel@americanpavementsystems.com
Subject: Please pull 4/22/25 BOS Agenda Item #22 - Department Matters/Grand Jury Responses - DOT/Mt. Murphy Road deterioration

This Message Is From an External Sender

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Report Suspicious

Please ensure the entirety of this correspondence containing my public comments and concerns is posted to BOS Agenda Item #22. Note the Brown Act Rights of the Public which has been attached for your convenience, as well as my Grand Jury Complaint.

Pursuant to my rights under §54954.3 of the Brown Act, I am also 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.”

#

Mr. Martinez, Chairman Turnboo, Supervisor Parlin, et al,
(bcc numerous others)

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 (below) concerning DOT’s responsibility to **cure and correct** the **defective double chip seal** applied last August to Mt. Murphy Road by American Pavement Systems. The 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:

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates indicated below, the latest of which shall be deemed to be the effective date of this Agreement.

--COUNTY OF EL DORADO--

By: Lori Parlin

Dated: 7.26.22

Board of Supervisors
“County”

Attest:
Kim Dawson
Clerk of the Board of Supervisors

By: *Heylee Mayan*
Deputy Clerk

Dated: 7-26-22

-- AMERICAN PAVEMENT SYSTEMS, INC. --

By: *Gregory B. Reed*
Gregory B. Reed (Jul 13, 2022 10:40 PDT)
Gregory Reed
President
"Consultant"

Dated: 07/13/2022

By: *Pamela D. Call*
Pamela D. Call (Jul 13, 2022 10:13 PDT)
Pamela Call
Chief Financial Officer

Dated: 07/13/2022

You are reminded about the EDC Good Governance Policy and your duty to be responsive to constituents. Clearly DOT is remiss in their fiduciary obligations to manage taxpayer resources in a responsible manner. Since El Dorado County failed to "give notice with reasonable promptness" to APS about the defective double chip seal to Mt. Murphy Road, I am therefore providing APS notice via this email.

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.

Regards,

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

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

To: rafael.martinez@edcgov.us; 'Lori Parlin' <lori.parlin@edcgov.us>

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

bosfive@edcgov.us; bosfour@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; 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 gauranteed 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 the Contractor shall 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 bureocracy. 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 ~







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).)



Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

February 4, 2025

El Dorado County Grand Jury
P.O. Box 1003
Placerville, CA 95667

CIVIL GRAND JURY COMPLAINT
DEPARTMENT OF TRANSPORTATION – DIRECTOR RAFAEL MARTINEZ

Dear Members of the Grand Jury,

Please find enclosed documentation substantiating a formal request for a Grand Jury investigation into the El Dorado County Department of Transportation for the following issues:

- 1) Mt. Murphy Road in Coloma borders the Marshall Gold Discovery State Historic Park on the northeast side of the S. Fork American River. There is no question that the lower 1.5-mile portion of Mt. Murphy Road was once a formerly a **solid paved surface**. It is a one lane road with no shoulders. Heavy winter rains regularly created 10-12" ruts making it nearly impossible for residents to safely traverse without damaging their vehicles, and during fire season fine particulate matter coated our homes and lungs. **(Exhibit A photos).**

Over the years DOT failed to properly maintain this historic county road. This raised numerous public safety concerns. In the event of wildfire and the Mt. Murphy Bridge was blocked by huge RVs exiting the Coloma Resort, the only evacuation route for residents was to navigate up the rough terrain of Mt. Murphy Road. Should another vehicle be coming down the road, there was no place to turn out or allow vehicles to pass.

It is significant that between 2001 and 2009 **five arson fires** were ignited either directly on my property, or within ¼ mile of my property. The 2007 Mt. Murphy arson fire that appeared on the front page of the Mountain Democrat was ignited at the foot of my property by 3rd generation fire fighter Ben Cunha, who was under \$10M bail bond, same as the King Fire Arsonist. That fire claimed the life of my beloved golden retriever at the time I was working for Capitol legislators. My letter and photos of helicopters landing in my backyard dispersing firefighters garnered personal phone calls from Senator David Cox and State Fire Marshal Ruben Grijalva, as well as personal correspondence from Governor Schwarzenegger, Congressman Doolittle, and Assemblyman Ted Gaines. Not surprisingly, in January 2024 Cunha was again arrested for setting explosives throughout EDC, **(Exhibit A photos)**

By 2006 the road was so fraught with deep ruts that one day the Growlersburg Fire Crew found it necessary to back up and turn around in my **private driveway** in order to prevent damaging their trucks. The rationale soon thereafter presented to DOT and the BOS was that if fire trucks couldn't safely use

Mt. Murphy Road, then how could local residents possibly be expected to evacuate in the event of another Mt. Murphy wildfire? That's when DOT finally paved the lower 1.5 miles of the road:

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 who traverse Mt. Murphy Road, we especially appreciate the 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 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

Eventually the road again became fraught with potholes. Instead of ***maintaining and repairing*** the solid paved surface, DOT grading equipment tore up the asphalt, then spread loose dirt and gravel atop what was left of the solid surface which of course never compacted. .

A few months later the road was in just as bad condition as it was prior to the 2006 solid surface application, not to mention the choking particulate matter that plagued residents during dry summer months. DOT continued to falsely assert that Mt. Murphy Road has always been "dirt and gravel", whereas photos taken by residents clearly show the road had been a ***solid paved surface***. (**Exhibit A**)

It doesn't take rocket science to determine DOT was avoiding accountability for substandard work and wasting taxpayers resources.

- 2.) In July of 2024 DOT finally resurfaced the lower 1.5 miles of Mt. Murphy Road with a double chipseal. However, getting information out of DOT was like trying to get blood out of a turnip. The quality of work done on the road was not the surface we were led to believe, plus it appeared to be inferior workmanship that failed to comply with the American Pavement Systems contract and work standards that I obtained via a PRA. (APS Contract and my security surveillance videos available upon request.) When I questioned Rafael Martinez about how long the substandard double chipseal should last, he replied FIVE TO 10 YEARS. (**See Exhibit B**)

However, only one month later on August 26th my neighbor atop Mt. Murphy, Sandy Mancuso, sent me the photo below of a major pothole that had developed in the recently double chip sealed road:



Only 6 months later, the road has deteriorated in several other spots as made evident in the photos taken January 17, 2025 during the period that the Mt. Murphy Bridge was closed due to another “reckless driver”. Clearly this substandard double chip seal is not going to last “5-10 years” as Rafael Martinez falsely projected in his July 30, 2024 email:





It is also notable that Rafael Martinez and Supervisor Lori Parlin failed to respond to specific questions posed during the January 14, 2025 BOS Open Forum about the Mt. Murphy reckless driver who took out both sides of the bridge, and other related public safety concerns:

1/14/25 BOS Agenda Item #11

CLAC Mt Murphy Bridge

This morning's item #11 pertained to the Coloma Lotus Advisory Committee presentation regarding **the Mt. Murphy Bridge replacement, and the boardwalk from Henningson Lotus Park to the MGD Park headquarters.** It was very disturbing to learn late Friday afternoon that staff requested this item be "Continued Off Calendar. The public deserves honesty and transparency, but residents have been kept in the dark about the Mt. Murphy Bridge and the Parks Master Plan for far too long. " George, you violated the Brown Act when you skipped

over this agenda item today, and then you failed to address my later inquiry regarding the public's right to comment.

The very brief Annual Report presentation attached to agenda item #11 was composed by none other than the **American River Conservancy**. This was the subject of a PRA that I submitted to Rafael Martinez in 2022 which he was very reticent to respond to.

It is a fact that the CLAC (formerly RMAC) never represented the best interests of Coloma residents, nor have they followed the Brown Act as required by law. It is also significant that Lori Parlin and Rafael Martinez continue to sweep under the rug correspondence and direct questions pertaining to the Mt. Murphy bridge replacement and lack of proper road maintenance.

Residents are concerned about the public safety aspects of Mt. Murphy Road and the bridge connecting both sides of the Marshall Gold Discovery Park. In the event of another wildfire upon Mt. Murphy, and if the bridge is congested with huge RVs from the Coloma Resort, then residents on the NE side of the river will be sitting ducks with nowhere to go. **EDC cannot afford to "kick the can further down the road" until another Paradise, Lahaina, or LA disaster strikes Coloma.**

Continuing this item off calendar behind closed doors can only mean there is something fishy going on that the BOS does NOT want the public to know about. Censorship and lack of transparency is *not* what any reasonable person would call "Good Governance". Constituents have a right to answers to the following questions:

- 1) Why have Supervisor Parlin and Rafael Martinez been reticent to respond directly to residents' inquiries about the bridge replacement that has apparently been indefinitely postponed?
- 2) What happened to all the former grant money designated for the Mt. Murphy Bridge replacement, and what is the new timeline?
- 3) How will the DUI incident on the bridge Sunday night that shut down the bridge for at least a month impact the bridge replacement project?
- 4) Will the individual be identified and held responsible for the damage to the bridge, or will it be at the taxpayers' expense?
- 5) If the Mt. Murphy Bridge is safe enough for DOT to park their trucks on it during repairs, then why are residents prohibited from walking across the bridge to access their mail?
- 6) Lastly, George, what are you going to do to ensure these questions are addressed?

On February 4, 2025 I again addressed the BOS regarding their Brown Act violations and failure to properly respond to a Public Record Act request for information pertaining to the Coloma Lotus Advisory Committee and the Mt. Murphy Bridge. As of this date DOT, the CAO, and Lori Parlin have not yet responded, indicating that the County has something to hide. **(See Exhibit B)**

Under the Political Reform Act, federal anticorruption law broadly guarantees the public "honest services" from public officials. My claims, statements and averments also pertain to the failure of Rafael Martinez to provide honest public services, pursuant to his oaths, namely collusion with other county staff, to unconstitutionally and unlawfully deny me equal access to public services and due process of law, as stated within the Bill of Rights. Additionally, Rafael failed to comply with the EDC Good Governance Policy and Core Values. As such Rafael's actions, or lack thereof, represent an abuse of the public trust which is also in violation of his oath of office.

- 3.) Related to the 2024 Mt. Murphy Road double chipseal project is the issue of American Pavement Systems Project Superintendent Kyle Wengel who approached my front gate and attempted to sell me approximately eight tons of gravel that should have been applied to Mt. Murphy Road. I replied that I

was largely responsible for getting DOT to resurface the road in the first place. What's more, my tax dollars have already paid for the labor and materials to resurface the road, so I wasn't about to pay for it again.

Kyle quickly backtracked and delivered four truckloads of gravel along the length of my driveway later in the day at no charge. Rafael Martinez and the entire Board of Supervisors were made aware of the situation, but they failed to address my concerns about accountability for misuse of public funds.

(Exhibit C)

The failure of Rafael Martinez and Supervisor Parlin to respond to constituents represents an abuse of the public trust. Depriving the public of honest services is a federal crime. All public officers within whatever branch and whatever level of government, and whatever their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves, and owes a fiduciary duty to the public. The fiduciary responsibilities of a public officer cannot be less than those of a private individual. Rafael Martinez failed his fiduciary responsibilities and duty as Director of DOT, and in so doing he harmed all El Dorado County Citizens.

- 4.) The County cannot responsibly address the multimillion-dollar Mt. Murphy Bridge replacement CIP without addressing the lack of an emergency evacuation plan or the historically poor condition and lack of proper maintenance of Mt. Murphy Road. Over the past 2.5 decades County officials have "kicked the can down the road" by failing to properly address the public safety concerns of local residents thus leaving them in the dark. In the event of another wildfire, and if the bridge is blocked with huge RVs from the Coloma Resort, then residents on the NE side of the S. Fork American River will be sitting ducks too reminiscent of the disasters in Paradise, Lahaina, and recently in Los Angeles.

For example, below were my public comments made during the 10/26/21 BOS Consent Item #16 regarding the DUI incident that shut down the Mt. Murphy Bridge:

I'm addressing Consent Item #16 - the reprehensible dog and pony show put on by Lori Parlin, DOT Director Rafael Martinez, and OES during the Mt. Murphy Bridge Town Hall last Wednesday night held here in this Board room. It was a lot of talk—the same old BS we've heard for years-- **but no answers, not even about the lack of an emergency evacuation plan. For the record, the meeting started 15 minutes late, and a PRA revealed that Rafael Martinez lied about policies and funding. The meeting was another total waste of resident's time and county resources.**

What the Zoom video won't show is Lori gave those present in this room **unlimited time** to dominate the meeting, many of whom do not even live in Coloma. I'm talking about liberal members of the River Mafia Mob who sat at the rear of this room out of view of the camera, the miscreants who have harassed, threatened, assaulted, libeled and slandered me and other conservative Coloma residents. They are the same radical liberals who voted for Lori in exchange for political favors.

Zoom participants were muted and not allowed to speak. Lori even censored our chat questions, but I captured them with snapshots. She even had the audacity to publicly mock me, "*Melody doesn't appreciate this meeting. I'm sure I'll hear about it at the Board meeting on Tuesday. Ha ha ha.*"

The coup de grace was when you invited your partner in crime, Sue Taylor, to take the podium as the last speaker. **Sue lives in Camino, so she is not affected by the Mt. Murphy Bridge**

issues. She seized the opportunity to address the October 14th Planning Commission meeting, which you know was conducted outside of the law without a quorum.

Lori, I wasn't the only one offended by your arrogance, disrespect, and abuse of the public trust. Four of my neighbors called afterwards and gave me an earful. They all expressed their disgust, and you can bet they won't waste their votes on you again.

Lori, you haven't heard the end of this yet. If you have any questions or comments, then make them now while I'm at the podium.

It is significant that Rafael Martinez also falsely claimed DOT had a policy that road crews were "not to engage in conversation with constituents" nor was DOT responsible for maintaining culverts that are part of the ditches. Refer to PRA# P003345-070821 and you will find that there are "no responsive documents" which indicates **no such policies exist**. In other words, Rafael Martinez LIED about the existence of those policies. **(See Exhibit D)**

Rather than being transparent and accountable to constituent concerns as per the Good Governance policy, Lori Parlin and Rafael Martinez have colluded with county staff to fraudulently maintain secrecy about DOT operations.

There is no legitimate argument to support the claim that oath takers are not required to respond to letters, emails, or public inquiries, which in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions. See: *Morrison v. Coddington*, 662 P.2d. 155, 135 Ariz. 480 (1983) - *Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth*. See also: *U.S. v. Tweel*, 550 F. 2d. 297. *"Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."*

When the Board of Supervisors have knowledge of wrongdoing, but fail to take remedial action against an employee, in this case Rafael Martinez, then they become complicit and liable for aiding and abetting unconstitutional actions against constituents. Furthermore, Mr. Martinez has violated First Amendment guarantees, betrayed the Public Trust, and perjured his oaths of office. Thus, the Board of Supervisors, as individuals, can also be held personally accountable and liable for any and all harm they have inflicted upon me and my inherent, constitutionally secured rights by their failure to take remedial action against Rafael Martinez, to wit:

*"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, **failure to remedy wrongs after learning about it**, creation of a policy or custom under which unconstitutional practices occur or **gross negligence in managing subordinates who cause violation**."* (*Gallegos v. Haggerty*, N.D. of New York, 689 F. Supp. 93 (1988). [Emphasis added])

Additionally, former CAO Don Ashton issued a directive to IT to block my IP server address from all county staff, with the exception of the Board of Supervisors, Department Heads, and County Counsel. The full notarized Affidavits/Declarations of Truth addressed to Don Ashton and IT Director Tonya Digiorno may be viewed under Open Forum of the 8/10/21 Board of Supervisors Agenda: <https://eldorado.legistar.com/LegislationDetail.aspx?ID=5082692&GUID=0919F537-5F2A-4176-948C-034E6591AC49>

By conspiring with other county officials to deprive me of public services and the ability to petition government for redress of grievances, in this case DOT, further demonstrates a flagrant violation of his

Oaths of Office, the Constitutions, my secured inherent First Amendment rights and due process of law guaranteed therein. Mr. Ashton's fraudulent accusations about "inappropriate emails" are libelous, slanderous, defamatory, and retaliatory in nature for my exposure of the CAO's role in government corruption and censorship.

The blatant violation of my First Amendment rights and filtering of my communications was an egregious violation of legal, moral and ethical standards of office. Despite numerous demands to restore my 1st Amendment Rights, to date I still remain censored and/or limited in my ability to communicate electronically and access all EDC staff, particularly as noted with DOT staff Preston Moore. **(Refer to Exhibit B)**

If you have any questions or need additional documentation, I may be reached via email melody.lane@reagan.com or phone (530) 957-7701.

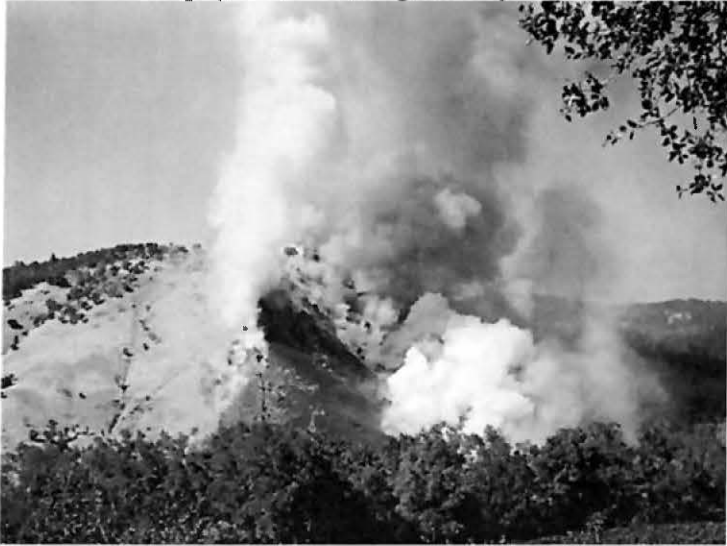
Sincerely,

Melody Lane

Founder – *Compass2Truth*

EXHIBIT A

2007 Mt. Murphy Arson Fire ignited by Ben Cunha on Bayne Road at the base of my property:



\$10 million bail Convicted arsonist Cunha arrested in stolen gun plot

By Ken Faglia
Democrat staff writer



BEN CUNHA

Former local firefighter Ben Cunha, who was convicted last year of arson, was arrested last week on charges of arranging a deal to sell stolen firearms. Because of his prior record, an El Dorado County judge set his bail at \$10 million. Placerville police say three men, at least one an acquaintance of Cunha's, burglarized a home the week of Nov. 23, and stole two guns.

Cunha, 26, who is not involved in the burglary, allegedly

CUNHA

had a hand about the stolen guns for sale, and

facilitated the transaction. "Ben set up the sale of the guns," said Placerville police Sgt. Ken Nida. "He was in possession of the weapons prior to his contact with them. He'd been out shooting that day, and brought the weapons prior to the sale."

Thursday Nida, 19, Nathan Piacentini, 18, and Matthew Tindon, 21, were arrested on suspicion of organizing the burglary at a Placerville home.

Eric Korman, 25, was arrested for an accusation of purchasing the stolen property from the men.

Nida said a citizen advised police that the guns were being sold, and gave police information about who was involved. Officers got a search warrant and ultimately found the guns at a home near Cunha's house, said Nida.

"The suspect found out we were doing an investigation and had the guns thrown in," said Nida.

At Cunha's arraignment Monday, Judge Douglas Pharesman said he set the bail at \$10 million for Cunha "in a flight risk based on his prior case."

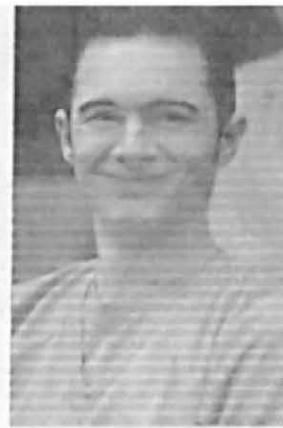
In March Cunha was convicted of starting three fires through out the county on his way to 84th and near Sand Ridge Road that consumed 19 acres.

He was sentenced to a year in jail, and was given credit for the time he served in jail before his plea deal.

Nida said Monday, "The big thing is that we got the guns off the street."

Ken Faglia, can be reached at kfaglia@mtdemocrat.com or at 916-744-3677.

Continued from p. 1



Ben Cunha, 26, was arrested last week on charges of arranging a deal to sell stolen firearms.

Former fireman Arsonist gets 1 year in jail

Must wear GPS device in 5th season

By Greg Laughlin
Democrat staff writer

The Placer County Sheriff's Office said it has received information that Ben Cunha, 26, was arrested last week on charges of arranging a deal to sell stolen firearms. Cunha was arrested on Nov. 23, and is being held in the Placer County Jail. He is being held on a \$10 million bail, which is being set by the court.

Ben Cunha, 26, was arrested last week on charges of arranging a deal to sell stolen firearms.

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Ben Cunha, 26, was arrested last week on charges of arranging a deal to sell stolen firearms.

He is being held in the Placer County Jail. He is being held on a \$10 million bail, which is being set by the court. Cunha was arrested on Nov. 23, and is being held in the Placer County Jail. He is being held on a \$10 million bail, which is being set by the court.

Cunha was arrested on Nov. 23, and is being held in the Placer County Jail. He is being held on a \$10 million bail, which is being set by the court. Cunha was arrested on Nov. 23, and is being held in the Placer County Jail. He is being held on a \$10 million bail, which is being set by the court.

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https://www.mtdemocrat.com/news/cunha-facing-12-felony-counts-related-to-explosives-crimes/article_6771bce2-b587-11ee-82b3-cf36a5868de8.html

Cunha facing 12 felony counts related to explosives crimes

Eric Jaramishian Jan 17, 2024 Updated Jan 18, 2024

Formerly solid paved surface of Mt. Murphy Road that was destroyed by DOT grading equipment and replaced with loose dirt and gravel that washed away during winter storms every year thereafter:





EXHIBIT B

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

Sent: Tuesday, July 30, 2024 12:55 PM

To: 'Rafael Martinez' <Rafael.Martinez@edcgov.us>; 'Lori Parlin' <lori.parlin@edcgov.us>; 'Shelley Wiley' <Shelley.Wiley@edcgov.us>; 'David A Livingston' <david.livingston@edcgov.us>; Tiffany Schmid <Tiffany.Schmid@edcgov.us>; Tonya Digiorno <tonya.digiorno@edcgov.us>; Kim Dawson <Kim.Dawson@edcgov.us>; edc.cob@edcgov.us

Cc: 'Preston Moore' <Preston.Moore@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>; 'Kelly D. Carnahan' <Kelly.Carnahan@edcgov.us>; road.maintenance@edcgov.us

Subject: RE: Mt. Murphy Road double chip seal...PRA Request for Information

Mr. Martinez, et al,

Although you are out of the office until 8/5/24, it is apparent you are still resorting to your usual Bureaucratic Shenanigans. Diverting and obfuscating the issues, especially pertaining to DOT accountability, is unacceptable and will not be tolerated.

First and foremost, it is apparent IT is still blocking my emails. I'm referring to the matter of the former CAO, Don Ashton, unlawfully ordering IT to block my ability to communicate electronically with staff. Despite numerous requests made to Tiffany Schmid and David Livingston, this issue has never been resolved which represents a direct assault upon my 1st Amendment rights.

During our conversation yesterday, Preston confirmed that despite several attempts to forward emails to him and road maintenance, **none of my emails were ever received by DOT.** You are aware that failure to provide public services to constituents violates local, state, and federal laws, ordinances, regulations, and statutes. I demand the County immediately remediate my ability to communicate with DOT and all other EDC staff.

Secondly, I abhor dishonesty, particularly by public servants whose salaries are paid via my tax dollars. It is insulting for you to claim that the chip seal on Mt. Murphy Road is not inferior when it is glaringly apparent from the photographs and my surveillance videos that the work done on Mt. Murphy Road by American Pavement Systems was NOT the double chip seal you described in #2 below.

It is also glaringly evident that American Pavement/DOT failed to apply a double chip-seal three-foot wide swaths of the road in front of my property.

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

- 1.) The name of the Transportation inspector assigned by DOT to oversee the completion and the quality standards of the project work.
- 2.) The American Pavement Systems contract, and all DOT communications with APS relevant to the scope, cost, and timeline pertaining to the double chip seal project work on Mt. Murphy Road.
- 3.) All internal DOT communications with staff pertaining to the chip seal of Mt. Murphy Road project and the remediation of the missed portions of the road.

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.

Melody Lane

Founder – Compass2Truth

"To compel a man to subsidize with his taxes the propagation of ideas which he disbelieves and abhors is sinful and tyrannical." ~ Thomas Jefferson ~

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Sent: Monday, July 29, 2024 9:27 AM

To: <Preston.Moore@edcgov.us>; <road.maintenance@edcgov.us>; <Kelly.Carnahan@edcgov.us>; <matt.smeltzer@edcgov.us>; rafael.martinez@edcgov.us; <david.livingston@edcgov.us>

Cc: <Tiffany.Schmid@edcgov.us>; <tonya.digiorno@edcgov.us>; <bosfive@edcgov.us>; <bosfour@edcgov.us>; <bosone@edcgov.us>; <bosthree@edcgov.us>; <bostwo@edcgov.us>

Subject: FW: Mt. Murphy Road double chip seal...

Apparently my emails are still blocked by IT. Obstruction of EDC public services to constituents violates local, state, and federal laws, ordinances, regulations, and statutes. Please remediate my ability to communicate with DOT staff immediately.

Melody Lane

Founder – Compass2Truth

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

Sent: Tuesday, July 30, 2024 7:31 AM

To: melody.lane@reagan.com; Lori Parlin <lori.parlin@edcgov.us>; Shelley Wiley <Shelley.Wiley@edcgov.us>

Cc: Preston Moore <Preston.Moore@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>; Kelly D. Carnahan <Kelly.Carnahan@edcgov.us>

Subject: RE: Mt. Murphy Road double chip seal...

Melody,

The answers to your questions are in red below.

1. **Do these photos actually represent a double-chip seal, or just a single-chip seal?**

Yes, the photos do represent a double-chip seal.

2. **Exactly what does a double chip seal entail, and what is the anticipated life of such a surface treatment?**

A double chip seal consists of ditching, grading, and compacting the dirt road surface, then applying asphalt emulsion over the dirt/grindings, and on top of the emulsion is 3/8 rock imbed into the oil. Then, the roadway is lightly swept, and a second layer of emulsion is applied and 5/16 rock chip is imbed into the oil. Since this is the first hard surfacing that the county has done on Mt. Murphy, it is going to be hard to determine the life expectancy. The life expectancy of a standard chip seal surface treatment over an asphalt road is 5 to 10

years. With that being said the amount and type of traffic, driving habits, and unforeseen issues such as subgrade failures or storm related issues will shorten the life span of the roadway.

3. Will DOT take responsibility to remediate the inferior work recently done on the road by American Pavement Systems?

The work and product are not inferior, and the county will continue to maintain Mt. Murphy Road. Additional information, funding came from AQMD grant for dust mitigation.

4. Proper maintenance of Mt. Murphy Road is of paramount importance to residents who rely on this as an evacuation route in the event of another wildfire. Who is the person in charge to oversee Quality Assurance for DOT projects to ensure the work is properly done?

Transportation has an inspector on every construction project. They take samples when needed, monitor the site for the safety of the workers and the public, and ensure quality and quantities are to Transportation's expectations. As we do, with all county-maintained roads, we will monitor and maintain the chip seal on Mt. Murphy Rd.

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: Friday, July 26, 2024 12:18 PM

To: raphael.martinez@edcgov.us; 'Lori Parlin' <lori.parlin@edcgov.us>; Shelley Wiley <shelley.wiley@edcgov.us>

Cc: 'Preston Moore' <Preston.Moore@edcgov.us>; bosfive@edcgov.us; 'bosfour' <bosfour@edcgov.us>; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: RE: Mt. Murphy Road double chip seal...

Rafael,

Residents would like to know: What is the status of the road work that DOT said was to be completed by 7/26/24? It appears the work is incomplete/not properly done. Note below text dialog with American Pavement Systems.

Melody's text message 7/24/24 at 12:17 PM to Kyle Wengel at American Pavement Systems:
Are your crews going to be finishing the double chip seal on Mount Murphy Road, or will that be handled by DOT?

Kyle Wengel replied:
Double chip seal is completed on Mt. Murphy. We went back and completed what we had missed.

Melody replied:
The road is not double chip sealed as expected, only the gravel that you laid last week. It looks like a base coat that will soon deteriorate.

Melody Lane

Founder – Compass2Truth

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

Sent: Thursday, July 25, 2024 11:12 AM

To: rafael.martinez@edcgov.us; 'Lori Parlin' <lori.parlin@edcgov.us>

Cc: 'Preston Moore' <Preston.Moore@edcgov.us>; bosfive@edcgov.us; bosfour <bosfour@edcgov.us>; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: Mt. Murphy Road double chip seal...

Rafael,

A few weeks ago I was informed that the double chip seal of Mt. Murphy Road was due to be completed on July 26th. On Monday July 22, American Pavement Systems Project Superintendent, Kyle Wengel, informed me that the job was now completed.

However, it appears that only a very thin base coat of gravel was applied to the road, leaving large segments untreated. The photos below should make it obvious that it will not last long, representing a complete waste of taxpayers resources:



This is a photo the BOS and Rafael Martinez should be familiar with. It is of one of the chunks of pavement that DOT graded up from the 2006 solid surface of Mt. Murphy Road, and then DOT annually applied dirt and

gravel which soon washed away and turned into a potholes/washboard surface. I have submitted several such specimens into the public record during BOS meetings:



Please explain the following:

- 1.) Do these photos actually represent a double chip seal, or just a single chip seal?
- 2.) Exactly what does a double chip seal entail, and what is the anticipated life of such a surface treatment?
- 3.) Will DOT take responsibility to remediate the inferior work recently done on the road by American Pavement Systems?
- 4.) Proper maintenance of Mt. Murphy Road is of paramount importance to residents who rely on this as an evacuation route in the event of another wildfire. Who is the person in charge to oversee Quality Assurance for DOT projects to ensure the work is properly done?

Regards,

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 ~

EXHIBIT C

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

Sent: Thursday, August 1, 2024 6:29 PM

To: 'Rafael Martinez' <Rafael.Martinez@edcgov.us>; 'Lori Parlin' <lori.parlin@edcgov.us>; 'Shelley Wiley' <Shelley.Wiley@edcgov.us>; 'David A Livingston' <david.livingston@edcgov.us>; Tiffany Schmid <Tiffany.Schmid@edcgov.us>; Tonya Digiorno <tonya.digiorno@edcgov.us>

Cc: 'Preston Moore' <Preston.Moore@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>; 'Kelly D. Carnahan' <Kelly.Carnahan@edcgov.us>; road.maintenance@edcgov.us; Richard Esposito <resposito@mtdemocrat.net>; Noel Stack <nstack@mtdemocrat.net>; Eric Jaramishian <eric@mtdemocrat.com>

Subject: RE: Mt. Murphy Road - PRA/Incomplete project/gravel scam

Mr. Martinez, et al,

Note that on 7/19/24 at approximately 1:51 PM American Paving Project Superintendent, Kyle Wengel, approached my front gate and attempted to sell me several tons of excess gravel from the Mt. Murphy Road paving project. I explained to him that **my tax dollars** already paid for the materials and labor to pave Mt. Murphy Road, so I was not about to pay for it a second time. Kyle very quickly backpedaled and offered to deliver the gravel **for free** on Monday, July 22nd.

It is glaringly apparent by my surveillance videos that the double chip seal process you described in #2 below is NOT what was applied to Mt. Murphy Road. Videos show that the work commenced on 7/22 at approximately 7:35 AM and the single chip seal process was completed by 10:54 AM.

Kyle arrived at 11:48 AM to determine exactly where to deposit approximately 8 tons of gravel in my driveway. By 12:32 PM the first of four trucks arrived, and the last truck departed by 1:25 PM.

Although I am sincerely grateful for the free delivery of 8 tons of gravel to my driveway, those materials should have been applied to Mt. Murphy Road by American Paving Systems. You can clearly see by the photos that 2.5 – 3.5' swaths of the road in front of my home were not properly surfaced which will cause it to quickly deteriorate.





More importantly is the matter of DOT accountability regarding the **fraudulent misuse of taxpayer funds** for this paving project.

Pursuant to El Dorado County Charter, Section 401, **Department Heads shall cooperate with the Chief Administrative Officer** so that the Chief Administrative Officer may achieve and complete coordination of all county activities. In the event of a **constituent complaint** regarding an elected department head or their staff, it is the responsibility of the Department Head to handle that matter as they deem most appropriate and **in accordance with federal and state law and County policy**. However, each Department Head is required to communicate necessary and relevant information to the **Chief Administrative Officer in a timely manner in order to achieve the complete coordination of all county activities**. The Chief Administrative Officer will then communicate with the **District Supervisor**.

However, former CAO Don Ashton unlawfully ordered the former IT Director to obstruct and/or filter my communications. The current IT Director, Tonya Digiorno, has maintained Mr. Ashton's unlawful order, and in so doing she violated my First Amendment rights and her oaths of office.

Your knowledge of such misconduct within your department, and failure to take remedial measures, does not demonstrate transparency or "Good Governance" by any stretch of the imagination. Any deceptive, obstructive enterprise undertaken by any public servant, 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 all other laws which comply with the national Constitution. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. *See United States v. Dial*, 757 F.2d 163, 168 (7th Cir. 1985), *supra*, - *Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.*

Melody Lane

Founder – Compass2Truth

Any act by any public officer either supports and upholds the Constitution or opposes and violates it.

I reported to DOT the December 31, 2022 collapse of Mt. Murphy Road due to landslide:







EXHIBIT D

From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Saturday, July 10, 2021 3:43 PM
To: 'El Dorado County Public Records Center'; rafael.martinez@edcgov.us; lori.parlin@edcgov.us
Cc: sue.novasel@edcgov.us; john.hidahl@edcgov.us; george.turnboo@edcgov.us; wendy.thomas@edcgov.us; Shelley Wiley; 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us
Subject: RE: Public Records Request :: P003345-070821

Rafael and Lori,

It's time to quit with your Bureaucratic Shenanigans. As public servants, you have been remiss in your obligation to provide me public services pursuant to your oaths of office. Both of you have been stonewalling about the Mt. Murphy Road issues, and you have been unresponsive to phone calls and emails. Lori has attended several meetings with me in regard to this subject matter. (See attachment) Therefore, as District #4 Supervisor, and pursuant to her oaths of office, it is Lori's duty to ensure constituent concerns are properly resolved within a timely manner:

"The Oath of Office is a quid pro quo contract in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, conspiracy under Title 28 U.S.C., Title 18 Sections 241 and 242, treason under the Constitution at Article 3, Section 3., and intrinsic fraud..."

With regard to request #1, your "interpretation" of my request is grossly in error. The Gas-Tax-Fund Guidelines are totally irrelevant to the specific request for EDC POLICIES that I made on 7/1/21 in response to your below 6/18/21 @ 4:15 PM phone message. Therefore, I interpret your response as the policy that Rafael referred to DOES NOT EXIST:

Good afternoon Melody. How are you? This is Rafael Martinez with DOT. I want to return your phone call. I did find out what happened, essentially, I said that it was leaning on the prescriptive rights of the roadway, the elevated boon on the truck and it clipped it. So they disposed of it like a lot of other debris that they dispose of on a regular basis. As for the culverts, uh, I was told that, actually I wasn't aware of this, that we do have a policy that we do not clean out private driveway culverts. And that makes sense, if you think about it. We have thousands of encroachments in the county, and if we were cleaning out every culvert we wouldn't be getting very much roadway patching repairs. That is the responsibility of the homeowners. Now if there are, um, other culverts that cross the street, or are of public property, uh, then yes, we do make sure we take care of those. If there are any culverts that are roadway culverts, then by all means let me know. Then I'll see, I'll look into it. As for your last, er, question or concern regarding my employees, uh, they do have a policy of, uh, not speaking to the public for the most part because, uh, as you can imagine, they sometimes get, um, harassed by people who are not happy with one thing or another. Therefore the policy is that they refer all of their comments or concerns to the superintendent, the deputy director, or to myself. Um, so...I...um...I understand you probably wanted some questions answered. You are always welcome to get a hold of me and I'll see what I can do to try and get those questions answered for you. Um, for the most part, I think that answers the questions you had referred to in your email. If you have any further questions, you are more than welcome to get a hold of me. Thank you very much. Have a good day. Bye bye.

If you did not understand my request, then why haven't you returned my calls or emails to ask for clarification? Had I physically walked into DOT and requested to examine a copy of the specific policies that you referred to

in your 6/18 voice mail, then you would be required to make both those policies immediately available for me as per the Guide to Public Record Act Requests for Information:

- 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.
- 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))

With regard to request #2, you claim "After a review, we have determined that we have no records responsive to that request." I interpret your response to mean Rafael LIED about the existence of both policies. Any enterprise undertaken by any public employee that tends to weaken public confidence and undermines the sense of security for individual rights is against public policy. Fraud, in its elementary common-law sense of deceit, is the simplest and clearest definition of that word. See also: "Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation." (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988). [Emphasis added]

See also: TANZIN v. TANVIR (a) Stewart v. Dutra Constr. Co., 543 U. S. 481, 487 (2005). The phrase "persons acting under color of law" draws on one of the most well-known civil rights statutes: 42 U. S. C. §1983. That statute applies to "person[s] under color of any statute," and this Court has long interpreted it to permit suits against officials in their individual capacities. See, e.g., Memphis Community School Dist. v. Stachura, 477 U. S. 299, 305–306, and n. 8 (1986). In 1871 Congress passed the precursor to §1983, imposing liability on any person who, under color of state law, deprived another of a constitutional right. 17 Stat. 13; see also Myers v. Anderson, 238 U. S. 368, 379, 383 (1915); See: Procunier v. Navarette, 434 U. S. 555, 561–562 (1978); Siegert v. Gilley, 500 U. S. 226, 231 (1991) [Emphasis added]

What is it going to take to get you resolve these issues and adhere to the EDC Core Values??? I look forward to your prompt response.

Melody Lane
Founder – Compass2Truth

From: El Dorado County Public Records Center [mailto:eldoradocountyca@mycusthelp.net]
Sent: Friday, July 9, 2021 2:27 PM
To: melody.lane@reagan.com
Subject: Public Records Request :: P003345-070821

Attachments:
Gas_Tax_Fund_Guidelines.pdf

--- Please respond above this line ---

Dear Ms. Lane,
Pursuant to California Government Code § 6253, I am writing in response to your Public Records Act ("PRA") request, received on July 8, 2021, regarding your request for records related to written copy of a policy that you have stated the Director of Transportation (DOT) mentioned to you in a conversation on July 1, 2021. I am submitting this letter within the ten-day period for response set out in Government Code § 6253(c).

After a review of your request, the County is unclear on whether we possess records which are responsive to your request, specifically you have requested:

Rafael Martinez has been unresponsive to DOT issues regarding Mt. Murphy Road, nor has he returned any of my phone calls regarding issues not covered in the below correspondence. **You are aware that the recent work done only weeks ago to Mt. Murphy Road is already in disrepair because DOT did not compact the decomposed asphalt/gravel mixture which has caused mounds/potholes and a washboard effect on the again bumpy road. Note I made the following request of Rafael Martinez for public information on July 1st, but there has been no response from Rafael or from you with respect to District #4 road/ditch/culvert repairs which highly suggests that the county is not dealing transparently with constituents.**

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I asked on July 1st to obtain the following documents via email:

1. The county is responsible to maintain public roads and ditches. The runoff from the heavy rain only five days after DOT crews dumped dirt and gravel atop a formerly hard-paved surface in May 2020 is what clogged my culvert and my neighbors culverts. It stands to reason that the culvert is part of the ditch in order to facilitate runoff. DOT caused the problem, therefore it the responsibility of DOT to fix the problem. **If there is a written policy as Rafael claimed, then I request a copy of that policy which the county is required by law to make immediately available.**

2. If there is such a written policy as Rafael claimed about DOT crews not speaking with the public, then I request you immediately provide me with a copy of that policy as required by law.

In your request, you stated that you had a conversation with Mr. Martinez expressing concerns about work done with respect to District # road/ditch/culvert repairs and that during that conversation Mr. Martinez referred to a DOT policy. It is unclear to us what was the subject of the policy, or policies that you are requesting. Please see our specific responses below:

Request #1: You asked for, "The County is responsible to maintain public roads and ditches. The runoff from the heavy rain only five days after DOT crews dumped dirt and gravel atop a formerly hard-paved surface in May 2020 is what clogged my culvert and my neighbors culverts. It stands to reason that the culvert is part of the ditch in order to facilitate runoff. DOT caused the problem; therefore, it is the responsibility of DOT to fix the problem. If there is a written policy as Rafael claimed, then I request a copy of that policy which the county is required by law to make immediately available.

We are interpreting your request to refer to records related to DOT policies regarding the use of road fund revenues for maintenance activities. The County follows the California State Controller's Guidelines Relating to Gas Tax Expenditures for Cities and Counties. A copy of that document is available on the California State Controller's website here: https://sco.ca.gov/Files-AUD/gas_tax_guidelines31219.pdf.

Request #2: You asked for, "If there is such a written policy as Rafael claimed about DOT crews not speaking with the public, then I request you immediately provide me a copy of that policy as required by law."

We are also interpreting your request to refer to records related to a DOT policy that prohibits DOT staff from communicating with the public. **After a review, we have determined that we have no records responsive to that request.**

If we have interpreted your request incorrectly, please clarify the types of records you are requesting and we will do a review to determine whether we have any non-exempt responsive records.

Please note that 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. For records released today, 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 the records please let us know so we can help resolve any problems.

We trust this provides you the information you are seeking. If you have any questions or if we have misunderstood your request, please contact my office at 530-621-7502.

Sincerely,

Kelly Carnahan
Administrative Technician
El Dorado County
Department of Transportation

