

J. Connolly BOS 11/24/2023 Open Forum

**EL DORADO COUNTY COUNSEL PUBLIC REMARKS - JANUARY 3, 2023**

On January 3, 2023 the El Dorado County Counsel, Mr. David Livingston, made the following public comments to Supervisor Brooke Laine before she answered public questions related to her nominees for the county's Veteran Affairs Commission.<sup>1</sup>

“Supervisor Laine. If I may, just before you do so. I just do want to caution against making any representations about your particular commissioner's affiliations with particular groups. That could lead to a claim that they've been discriminated against based upon their participation in those groups and *I just want to note both for the Board and the public* that there is, if you look at the California Constitution's oath of office, a provision that talks about affiliation with organizations advocating for the overthrow of government. That particular provision has been deemed unconstitutional and so the oath of office that you and others take expressly excludes that.”<sup>2</sup> (emphasis added.)

“Just because I find the language used by the court in addressing that issue somewhat interesting, *I'm just going to read it to you* because the California Supreme Court, when they did talk about this. Actually, excuse me, this particular passage is from a Court of Appeal decision.”<sup>3</sup> (emphasis added.)

“They stated, “It is very clear then, that paragraph two of the oath, as stated in the California Constitution, cannot be required of anyone to become Governor of California or even to get a library card. End of discussion.” ”<sup>4</sup>

“I just found that somewhat amusing. And the language did specifically relate to affirmation of one's affiliation with a party or organization advocating for the overthrow of government. So I don't want to dissuade you too much from responding but I also don't want you to feel that you are compelled to make some representation as to the party affiliations of your appointees.”

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<sup>1</sup> See [https://eldorado.granicus.com/player/clip/1773?view\\_id=2&redirect=true&h=8f6f1bd3c4be33c2e355f02937ac0f1e](https://eldorado.granicus.com/player/clip/1773?view_id=2&redirect=true&h=8f6f1bd3c4be33c2e355f02937ac0f1e); video time 2:44:40 to 2:46:13.

<sup>2</sup> The oath of office is prescribed in Section 3 of Article XX of the California Constitution. Section 3 was amended on November 4, 1952.

<sup>3</sup> See *Jesson v. Davis* (2002) 97 Cal.App.4th 1032.

<sup>4</sup> *Id.*, 1037.

On New Years Eve at about 2:45 PM I reported to DOT a major rockslide that originated on MGDG land a few hundred feet beyond my home on Mt. Murphy Road, and requested signs and cones be put out immediately. At approximately 8 PM another landslide occurred. Later that night a young man, who had never been on Mt. Murphy before, had a close brush with death due to DOTs negligence in putting out road closure signs and cones as I had requested.

On New Years Day the road in front of my home was still a flowing river and obstructed by large rocks, so I emailed photos and called the Park to request they at least put out cones. However, nobody from DOT or the Park would return my call or email. In fact, staff was deleting my emails without reading them. Hours later I put on my boots and hiked down to the Park where I spoke with ranger Craig Lorge. The photos I showed him got his attention and cones were finally put out. A week later I again called DOT and requested heavier barricades be put out to deter curiosity seekers from the danger zone.

This is a public safety issue, especially in the event of a wildfire. You all should have received some very graphic photos of the Mt. Murphy landslide that I sent you on January 5th. Those photos make it very evident that Mt. Murphy Road will require some major engineering before any work can commence on the Mt. Murphy Bridge replacement project. It would be irresponsible for DOT to spend \$17M on the **Mt. Murphy Bridge to Nowhere** when the residents on the northeast side of the river have no way of escape in the event of a wildfire. Bayne Road is NOT a viable option.

EDSO and DOT falsely assert this portion of Mt. Murphy is a dirt road. The formerly hard surface has been systematically destroyed by DOT blading dirt and gravel atop the formerly hard surface. [This] dirt and gravel does NOT compact into [this] 4" thick chunk of solid asphalt. Furthermore, the fine particulate matter becomes an airborne health hazard in dry season, not to mention it washes away after the first rain leaving potholes worse than before. ~~EDSO~~ and FireSafe Councils have been wasting taxpayers' resources on free giveaways like [this] instead of properly fixing the roads.

Rafael Martinez and Lori Parlin <sup>would</sup> ~~will~~ not return phone calls, so when I last spoke to Shelley Wiley about addressing the public safety issues, she said "I'll have to check with Supervisor Parlin; she's my chain of command." Since then all I've heard is the chirping of crickets. Well, I've got news for you. Constituents are at the very top of <sup>at</sup> that chain of command. Lori, there were 6 specific public safety issues in my January 5th <sup>e mail</sup> ~~email~~ that you still have not yet responded to. On behalf of my neighbors, it is my duty to ~~respectfully~~ demand your response today in order that I can convey the ~~plan~~ plan to them. ~~\_\_\_\_\_~~

*Your public response is expected at end of open Forum, Mt. Murphy Rd Bridge*

Diamond Springs / El Dorado Community Coalition  
01/24/2023

**RE: Dorado Oaks**

Tentative Subdivision Map Project (Rezone Z19-0005/Tentative Subdivision Map  
TM18-1538/Planned Development PD19-0005/Development Agreement DA20-0002)  
State Clearinghouse Number 2019071041

Good afternoon, my name is Larry Rolla with the Diamond Springs / El Dorado Community Coalition.

The petition drive we conducted clearly indicates the people's desire with regards to high density housing within a county with limited infrastructure. In addition to the petition drive, we have shared numerous community surveys with the BOS, and held town hall meetings with our Dist. 3 supervisor. Our supervisor should know by now that the overwhelming majority of the people living in Diamond Springs and El Dorado feel that Dorado Oaks does not fit within our community. As our representative I would hope that she would do the right thing for our community when it comes time to vote.

Now comes the question on how the remaining 4 supervisors understand the impact a development of this magnitude will have on our community. Do you base your vote on the people's desire in your districts, the impact it will have on the Dist. 3 community, or is it clearly a matter of increased revenue and tax base at the expense of the current residents? It's unclear how you understand the will of the people you represent and factor that into your decision making.

Rest assured that very few residents in the Diamond Springs community, less than 5%, want more high density housing in our small town. I say more because within the town of Diamond Springs and El Dorado we have 4 mobile home communities that provide high density affordable housing already. Plus, with the current estimates from the developer, the Dorado Oaks development will not provide affordable housing.

(Lake Oaks Senior Mobile Home, Diamond Springs Mobile Home Park, El Dorado Mobile Home Village, West Wood Mobile Home Community)

Here are some of the facts you need to think about when the Dorado Oaks development comes up for a vote.

- This is not affordable housing. \$450k for a townhome and \$750k for a single family home is not affordable.
- Over 700 additional cars, and Traffic Level of Service goes to an F rating at Faith Ln. as a result of this development.

- A roundabout or 2 new traffic lights will not reduce the number of additional cars.
- The Historic Carpenters building could be destroyed with one of the roundabout proposals.
- 10 downtown businesses will be impacted with the 2 new traffic lights (The Draft EIR does not spell out what the impact will be)
- This one development will increase the population of Diamond Springs by 10%.
- Our emergency services will be stretched even thinner.
- Population of Diamond Springs in 1980 was 2,287 with one Fire Engine, and in 2022 it was 11,407 with one Fire Engine.
- The Bypass, which has been in the works for over 20 years has not accounted for all the new cars as a result of the massive proposed developments for Diamond Springs.
- Emergency evacuation during a fire is already a nightmare. These developments will only add fuel to the fire.

Recently the DS / ED Community Coalition met with 5 other coalitions from El Dorado County. We are now joining forces to form a joint coalition that can better oversee what our elected officials and government departments are attempting to ram down our throats. Together we are able to share our concerns and make sure all supervisors understand the will of the people.

Your actions have awakened the sleeping giant.

Thank you.

Larry Rolla  
Diamond Springs / El Dorado Community Coalition

January 24, 2023

**RE: Dorado Oaks**

Tentative Subdivision Map Project (Rezone Z19-0005/Tentative Subdivision Map  
TM18-1538/Planned Development PD19-0005/Development Agreement DA20-0002)  
State Clearinghouse Number 2019071041

Good afternoon, my name is Alicia Selby, with the Diamond Springs / El Dorado Community Coalition. On behalf of our Coalition, and the communities of Diamond Springs and El Dorado, I welcome Supervisor Lane to this Board.

As a refresher for the New Year, and to introduce Supervisor Lane to the project, Larry Rolla and I will both speak today regarding Dorado Oaks, a large and dense housing development planned for Diamond Springs, on a 142-acre parcel behind Fowler Lane. The main entrance will be via Faith Lane next to Deb's Frosty. As currently proposed, Dorado Oaks includes 382 residential units, including single-family homes and densely packed multi-family units. One of the proposed plans for addressing the traffic this project will bring includes a Roundabout at Faith Lane and Pleasant Valley Road, necessitating the removal of the historic brick Carpenter Building, Deb's Frosty, and the large lot where our weekly Flea Market has been held for over 20 years. A representative for the developer indicated in July, 2022 that the townhomes and single family homes in Dorado Oaks will sell for \$450K to \$750k.

As we await the final Environmental Impact Report for Dorado Oaks, our Coalition has been working to inform and educate the public about the project, and also to gather their input to share with this Board. The results of a recent poll of residents in the area indicate that the greatest concern by far is Traffic Impact, followed by Emergency Evacuation, and Water Resources.

In addition to the recent poll, we have collected over 500 signatures on a Petition in Opposition to Dorado Oaks. The petition outlines several areas of concern over the project, including: Traffic, Emergency Evacuation, Emergency Services, Water, and Preserving our Historic Small

Town. We have emailed our comments today, as well as copies of the signed petitions, to the Board, and to the Planner assigned to the Dorado Oaks project.

If approved, Dorado Oaks will forever change the towns of Diamond Springs and El Dorado - turning a unique and historic place that residents have chosen as their hometown, into a mess of snarled traffic and densely packed mass development consisting of homes that are financially unattainable for most who live here. The traffic impacts from Dorado Oaks, especially when combined with increased traffic from other pending projects in the area, will be felt by anyone who drives Missouri Flat Road, making this project a county-wide issue.

Thank you for the opportunity to share the community's concerns over Dorado Oaks.

## Kim Dawson

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**From:** melody.lane@reagan.com  
**Sent:** Tuesday, January 24, 2023 3:02 PM  
**To:** Kim Dawson; BOS-Clerk of the Board; Wendy Thomas; Lori Parlin  
**Cc:** BOS-District V; BOS-District IV; BOS-District I; BOS-District III; BOS-District II  
**Subject:** 1/24/23 Open Forum Public Comments - Mt. Murphy landslide  
**Attachments:** 1-24-23 BOS OF DOT pics email Mt Murphy Rd.docx; Brown Act Rights of the Public.docx

Please ensure the entirety of this correspondence, including the attachment, is entered into the 1/24/23 BOS Open Forum.

Chairman Wendy Thomas violated section 54954 of the Brown Act when she cut my question off in mid-sentence and ordered Kim Dawson to cut my mic, nor did she permit Lori Parlin to publicly respond to the county's PLAN TO FIX MT MURPHY ROAD. In so doing, Ms. Thomas violated my 1<sup>st</sup> Amendment rights to petition government for redress of grievances concerning public safety matters.

**Also, why did Wendy Thomas discriminately fail to order Kim to shut off the mic on Janeen D'Agostini when she kept speaking during Item #41 public comments???**

\*Kim Dawson was instructed to give the Evacuation bag of Mt. Murphy Road materials to Lori Parlin for appropriate follow-up by DOT.

###

On New Years Eve at about 2:45 PM I reported to DOT a major rockslide that originated on MGDGP land a few hundred feet beyond my home on Mt. Murphy Road, and requested signs and cones be put out immediately. At approximately 8 PM another landslide occurred. Later that night a young man, who had never been on Mt. Murphy before, had a close brush with death due to **DOTs negligence in putting out road closure signs and cones as I had requested.**

On New Years Day the road in front of my home was still a flowing river and obstructed by large rocks, so I emailed photos and called the Park to request they at least put out cones. However, nobody from DOT or the Park would return my call or email. **In fact, staff was deleting my emails without reading them.** Hours later I put on my boots and hiked down to the Park where I spoke with ranger Craig Lorge. The photos I showed him got his attention and cones were finally put out. A week later I again called DOT and requested heavier barricades be put out to deter curiosity seekers from the danger zone.

This is a public safety issue, especially in the event of a wildfire. You all should have received some very graphic photos of the Mt. Murphy landslide that I sent you on January 5th. Those photos make it very evident that Mt. Murphy Road will require some major engineering before any work can commence on the Mt. Murphy Bridge replacement project. It would be irresponsible for DOT to spend \$17M on the **Mt. Murphy Bridge to Nowhere** when the residents on the northeast side of the river have no way of escape in the event of a wildfire. Bayne Road is NOT a viable option.

OES and DOT falsely assert this portion of Mt. Murphy is a dirt road. The formerly hard surface has been systematically destroyed by DOT blading dirt and gravel atop the formerly hard surface. [This] dirt and gravel does NOT compact into [this] 4" thick chunk of solid asphalt which is a remnant from the landslide. Furthermore, the fine particulate matter becomes an airborne health hazard in dry season, not to

mention it washes away after the first rain leaving potholes worse than before. EDSO and Fire Safe Councils have been wasting taxpayers' resources on free giveaways like [this bag] instead of properly **fixing the roads**.

Rafael Martinez and Lori Parlin will not return phone calls, so when I last spoke to Shelley Wiley about addressing the public safety issues, she said "*I'll have to check with Supervisor Parlin; she's my chain of command.*" Since then all I've heard is the chirping of crickets. Well, I've got news for you. Constituents are at the very top of the chain of command. Lori, there were 6 specific public safety issues (attached) in my January 5th issues that you still have not yet responded to.

**On behalf of my neighbors, it is my duty to demand your response today in order that I can convey the Mt. Murphy Bridge and road repairs PLAN to them. What is your answer?**

*Melody Lane*

**Founder – Compass2Truth**

As history teaches us, if the people have little or no knowledge of the basics of government and their rights, those who wield governmental power inevitably wield it excessively. After all, a citizenry can only hold its government accountable if it knows when the government oversteps its bounds. ~ John Whitehead ~



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

**Sent:** Thursday, January 5, 2023 8:57 PM

**To:** 'Rafael Martinez' <Rafael.Martinez@edcgov.us>; 'TD-Maintenance' <road.maintenance@edcgov.us>; 'Lori Parlin' <lori.parlin@edcgov.us>; 'Bryan Golmitz' <GolmitzB@edso.org>; 'Donald Ashton' <don.ashton@edcgov.us>; 'David A Livingston' <david.livingston@edcgov.us>; jason.dewall@parks.ca.gov; liekaufj@edso.org

**Cc:** 'Kelly D. Carnahan' <Kelly.Carnahan@edcgov.us>; 'Shelley Wiley' <Shelley.Wiley@edcgov.us>; 'Craig Lorge' <Craig.Lorge@parks.ca.gov>; barry.smith@parks.ca.gov; tom.pagan@parks.ca.gov; 'Armando Quintero' <Armando.Quintero@parks.ca.gov>; Parveen Kasraee <Parveen.Kasraee@parks.ca.gov>

**Subject:** RE: Mt. Murphy Road landslide - Public Safety Issue

Rafael, et al,

You sound like a broken record. Once again you failed to respond appropriately and diverted the issues with your unacceptable canned reply.

Like everyone else in California, I am perfectly aware of the new storm front and who to call in the event of an emergency. So, let's get down to brass tacks about your role as a **taxpayer-funded public servant** whose responsibility it is to **provide public services**. (This applies to everyone addressed in this correspondence.)

Citizens are at the very top of the chain of command—*not* CAO Don Ashton, Comrade Parlin, or the Sheriff. It is a First Amendment right to petition government (you) for redress of grievances (Mt. Murphy DOT/OES public safety matters.) You are accountable to constituents who are entitled to honest services. However, you have consistently failed respond appropriately to phone calls, emails, and verbal or written PRAs. Furthermore, you have been arrogant, dishonest, totally lacking in transparency, in violation of your oaths of office, as well as your failure to abide by Good Governance and EDC Personnel policies. (For example: your unacceptable conduct in the presence of **Lori Parlin during the Mt. Murphy Bridge meetings, and the 7/11/22 Taxpayers Association** meeting when you were the speaker.)

These DOT/OES issues still need to be addressed without further delay:

1. You never responded as to why DOT staff failed to put up the cones after I reported the landslide at 2:45 PM on 12/31/22?
2. Due to DOT negligence, a young man had a close brush with disaster on New Year's Eve at the *same site* a man lost his life approximately 18-20 years ago. Mt. Murphy Road is a county-maintained road, and the major thoroughfare between the Marshall Gold Discovery Park on Hwy 49 through Garden Valley. The segment between my home and the crest of the road is **Marshall Gold Discovery Park public land**. Who bears the responsibility for necessary road REPAIRS and LIABILITY in the event another life is lost due to such negligence? (i.e., Paradise Fire scenario)
3. You also didn't respond as to why DOT cleared up the landslide debris that tore through two of my neighbor's properties onto the paved portions of Bayne and lower Mt. Murphy Roads surrounding the **evacuated Coloma Resort**, yet DOT failed to clear the road leading to **resident's homes affected by the rockslide that originated on MGD Park land**.
4. Was it you, or County Counsel, who issued the directive to your assistant Kelley, and other DOT staff, not to speak with me or respond to my phone calls? Note: **MGD Park staff also failed to respond to my phone call** necessitating that I walk down to Park Headquarters on New Year's Day to request ranger Craig Lorge have staff immediately put cones on both ends of Mt. Murphy Road.
5. It would be recklessly irresponsible for EDC to move forward with replacement of the Mt. Murphy Bridge without properly addressing the egress and safety aspects of **re-engineering the precariously eminent collapse of this segment of Mt. Murphy Road**. Residents have expressed concerns for decades about the "Bridge to Nowhere", but our inquiries have been ignored or obfuscated by government bureaucrats. *Now the road must be made a priority*. Obviously, it is not going to be a

cheap endeavor, but it must be addressed now. What are the funding sources available for the repairs/resurfacing of the road, and what are the timeframe adjustments for the bridge replacement?

6. What is the purpose of DOT promoting the FALSE information about Mt. Murphy Road is a **dirt section**, and **no residences impacted**???
- County Road Closures:** Mount Murphy Road **dirt section** at Carver and Terra View Lane; no estimated time of reopening, **no residences impacted**. ← ??? The sway tore through the properties of three residents all the way down to the Coloma Resort!! Mt. Murphy Road is NOT a DIRT road as DOT and EDSO falsely asserts. It is, and always has been, a SOLID SURFACE ASPHALT ROAD for the entirety of approximately 6.5 miles where the road ends at Marshall Grade in Garden Valley. Note the below photos with clear evidence of the former solid asphalt surface:

Washed away down to the old asphalt from the 30's or 20's. (photo courtesy of a neighbor, S.M.)



These are closeup views of approximately 6-12 inches of SOLID ASPHALT about to give way into the steep ravine:





Chunks of SOLID ASPHALT in Mt. Murphy Road strewn length of ditch. Also note loose DOT gravel:



Over the past 25 years we have had numerous meetings with EDC and State Parks staff to address the Mt. Murphy Road problems. In 2006 DOT finally graded the ruts/potholes and applied a solid asphalt surface which remedied the talcum-fine particulate matter that had plagued residents every dry season. A few years later DOT began demolishing the asphalt, then spread **raw dirt bladed from the ditches mixed with gravel and asphalt grindings that NEVER COMPACTED**. Within weeks the potholes and ruts became just as bad as before DOT “annual maintenance”, **a total waste of taxpayer’s resources.**

I anticipate your speedy and comprehensive response to each of the above enumerated items.

Sincerely,

*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:** Rafael Martinez <[Rafael.Martinez@edcgov.us](mailto:Rafael.Martinez@edcgov.us)>

**Sent:** Thursday, January 5, 2023 7:57 AM

**To:** [melody.lane@reagan.com](mailto:melody.lane@reagan.com); TD-Maintenance <[road.maintenance@edcgov.us](mailto:road.maintenance@edcgov.us)>; Lori Parlin <[lori.parlin@edcgov.us](mailto:lori.parlin@edcgov.us)>; [leikaufj@edso.org](mailto:leikaufj@edso.org) <[Jeff.Leikauf@edso.org](mailto:Jeff.Leikauf@edso.org)>; Bryan Golmitz <[GolmitzB@edso.org](mailto:GolmitzB@edso.org)>;

Donald Ashton <[don.ashton@edcgov.us](mailto:don.ashton@edcgov.us)>; David A Livingston <[david.livingston@edcgov.us](mailto:david.livingston@edcgov.us)>;  
[jason.dewall@parks.ca.gov](mailto:jason.dewall@parks.ca.gov)

**Cc:** Kelly D. Carnahan <[Kelly.Carnahan@edcgov.us](mailto:Kelly.Carnahan@edcgov.us)>; Shelley Wiley <[Shelley.Wiley@edcgov.us](mailto:Shelley.Wiley@edcgov.us)>; Craig Lorge <[Craig.Lorge@parks.ca.gov](mailto:Craig.Lorge@parks.ca.gov)>; [barry.smith@parks.ca.gov](mailto:barry.smith@parks.ca.gov)

**Subject:** RE: Mt. Murphy Road landslide - Public Safety Issue

Melody,

Thank you for the information. It looks like we have several more severe storms in the forecast; if you encounter an emergency, the best number to call is our maintenance department at 530-642-4909, or if it is life and death, of course, call 911.

Sincerely,

**Rafael Martinez**

Director

**County of El Dorado**

Department of Transportation

2850 Fairlane Court

Placerville, CA 95667

(530) 621-7533

[rafael.martinez@edcgov.us](mailto:rafael.martinez@edcgov.us)

**From:** [melody.lane@reagan.com](mailto:melody.lane@reagan.com) <[melody.lane@reagan.com](mailto:melody.lane@reagan.com)>

**Sent:** Wednesday, January 4, 2023 6:51 PM

**To:** Rafael Martinez <[Rafael.Martinez@edcgov.us](mailto:Rafael.Martinez@edcgov.us)>; TD-Maintenance <[road.maintenance@edcgov.us](mailto:road.maintenance@edcgov.us)>; Lori Parlin <[lori.parlin@edcgov.us](mailto:lori.parlin@edcgov.us)>; [leikaufj@edso.org](mailto:leikaufj@edso.org) <[Jeff.Leikauf@edso.org](mailto:Jeff.Leikauf@edso.org)>; Bryan Golmitz <[GolmitzB@edso.org](mailto:GolmitzB@edso.org)>; Donald Ashton <[don.ashton@edcgov.us](mailto:don.ashton@edcgov.us)>; David A Livingston <[david.livingston@edcgov.us](mailto:david.livingston@edcgov.us)>; [jason.dewall@parks.ca.gov](mailto:jason.dewall@parks.ca.gov)

**Cc:** Kelly D. Carnahan <[Kelly.Carnahan@edcgov.us](mailto:Kelly.Carnahan@edcgov.us)>; Shelley Wiley <[Shelley.Wiley@edcgov.us](mailto:Shelley.Wiley@edcgov.us)>; Craig Lorge <[Craig.Lorge@parks.ca.gov](mailto:Craig.Lorge@parks.ca.gov)>; [barry.smith@parks.ca.gov](mailto:barry.smith@parks.ca.gov)

**Subject:** RE: Mt. Murphy Road landslide - Public Safety Issue

You don't often get email from [melody.lane@reagan.com](mailto:melody.lane@reagan.com). [Learn why this is important](#)

Rafael, et al,

I have zero-tolerance for government excuses, much less arrogant public servants who **refuse to provide public services to constituents or respond to PRA requests.**

Communication is a two-way street. You are aware CAO Don Ashton ordered IT to block/censor my emails except those addressed to department heads and the BOS. Apparently the directive was also given to MGD and EDC staff **not** to acknowledge email **read-receipts** or return phone my phone calls. This was made evident by numerous messages, such as the one I received below, that were **“deleted without being read”**:

From Smith, Barry@Parks <Barry.Smith@parks.ca.gov>  
To melody.lane@reagan.com  
Subject Not read: RE: Mt. Murphy Road landslide - Public Safety Issue

Your message

To: Smith, Barry@Parks  
Subject: RE: Mt. Murphy Road landslide - Public Safety Issue  
Sent: Tuesday, January 3, 2023 4:41:32 PM (UTC-08:00) Pacific Time (US & Canada)

was deleted without being read on Wednesday, January 4, 2023 8:09:11 AM (UTC-08:00) Pacific Time (US & Canada).

DOT has a nasty habit of obfuscating and diverting road conditions/bridge egress issues. This is also an OES issue. You never responded as to why DOT failed to put up the cones after I reported the landslide 12/31/22 at 2:45 PM. Consequently, the young driver of the white truck on Mt. Murphy Road for the very first time that night had a very close brush with death due to DOT's gross negligence. Fortunately, he overcompensated at the last second and swerved to the right, but just imagine the liability repercussions had he gone over the edge and died at the bottom of the steep rock-strewn ravine.

You also didn't respond as to why DOT cleared up the landslide debris that tore through two of my neighbor's properties onto the paved portions of Bayne and lower Mt. Murphy Roads surrounding the Coloma Resort, yet DOT failed to clear the road leading further up the road to resident's homes at 6800 and 6771 Mt. Murphy Road?

I just got off the phone with El Dorado Disposal. The person I spoke with insisted that they were **unaware of the situation on Mt. Murphy Road and denied ever being contacted by the county, nor did they say "they would be reaching out to the residents" as you falsely stated.**

Rafael, you've established an unsavory reputation for making false statements multiple times before. Where I come from, people who aren't truthful are called liars. Never forget my taxes pay your salary, therefore you work for me.

*Melody Lane*

**Founder – Compass2Truth**

**"You need a new Board [of Supervisors]. All of them. Hold their feet to the fire. Mine too. I work for you."** Sheriff John D'Agostini – August 16, 2011

From: Rafael Martinez <Rafael.Martinez@edcgov.us>  
Sent: Wednesday, January 4, 2023 3:10 PM  
To: melody.lane@reagan.com; TD-Maintenance <road.maintenance@edcgov.us>  
Cc: Kelly D. Carnahan <Kelly.Carnahan@edcgov.us>  
Subject: RE: Mt. Murphy Road landslide - Public Safety Issue

Hello Melody,

I have received your voicemail and emails, and Kelly (my assistant whom you spoke to earlier) let me know you called her as well. I understand your concerns; please know that staff is working 12-hour shifts/7 days a

week right now to try and triage all of the emergencies that have resulted from the storm and will continue to do so throughout the subsequent storms.

Mt. Murphy is washed out and closed from Carvers to Tera View. Transportation staff has been out to assess Mt. Murphy Rd and has determined that residents and emergency vehicles can reach their homes either from the north using Marshall Road or the south using US49. Staff acknowledges that the condition of Mt Murphy Rd is rough right now, unfortunately there are many of those similar situations all throughout the County and we must prioritize based on the severity of the issues. That being said, staff will keep an eye on the road as time allows and will be out to repair it as soon as possible. We have also contacted El Dorado Disposal and shared the condition of the road. They said they would be reaching out to the residents.

Additionally, I wanted to share some information on sandbags and have added that as an attachment.

It looks like we have several more severe storms in the forecast; if you encounter an emergency, the best number to call is our maintenance department at 530-642-4909, or if it is life and death, of course, call 911.

Wishing you health and safety.

Sincerely,  
**Rafael Martinez**  
Director

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

**From:** [melody.lane@reagan.com](mailto:melody.lane@reagan.com) <[melody.lane@reagan.com](mailto:melody.lane@reagan.com)>  
**Sent:** Tuesday, January 3, 2023 4:42 PM  
**To:** TD-Maintenance <[road.maintenance@edcgov.us](mailto:road.maintenance@edcgov.us)>; Rafael Martinez <[Rafael.Martinez@edcgov.us](mailto:Rafael.Martinez@edcgov.us)>; 'Craig Lorge' <[Craig.Lorge@parks.ca.gov](mailto:Craig.Lorge@parks.ca.gov)>; Lori Parlin <[lori.parlin@edcgov.us](mailto:lori.parlin@edcgov.us)>  
**Cc:** Shelley Wiley <[Shelley.Wiley@edcgov.us](mailto:Shelley.Wiley@edcgov.us)>; [barry.smith@parks.ca.gov](mailto:barry.smith@parks.ca.gov); [jason.dewall@parks.ca.gov](mailto:jason.dewall@parks.ca.gov); Jeff Leikauf <[Jeff.Leikauf@edso.org](mailto:Jeff.Leikauf@edso.org)>; BOS-District V <[bosfive@edcgov.us](mailto:bosfive@edcgov.us)>; BOS-District IV <[bosfour@edcgov.us](mailto:bosfour@edcgov.us)>; BOS-District I <[bosone@edcgov.us](mailto:bosone@edcgov.us)>; BOS-District III <[bosthree@edcgov.us](mailto:bosthree@edcgov.us)>; BOS-District II <[bostwo@edcgov.us](mailto:bostwo@edcgov.us)>  
**Subject:** RE: Mt. Murphy Road landslide - Public Safety Issue  
**Importance:** High

Rafael, Craig, and Lori:

On 12/31/22 around 2:45 PM I called and emailed DOT to report the landslide on Mt. Murphy Road advising that cones needed to be immediately set up at Carvers Road and atop Mt. Murphy Rd. The DOT maintenance guy I talked to said he'd have one of the crew members on duty at the Mosquito Road site come out to block off the road immediately, but nobody ever showed up with cones or signs to avert the danger.



Consequently, a guy drove up the road in the dark where he ended up getting his truck stuck against a boulder and had to be pulled out by a neighbor with a wench-equipped Jeep. PLEASE NOTE: Anyone coming down Mt. Murphy Road from Garden Valley in the dark would NOT have seen the precariously unstable condition of the road on the opposite side of the landslide:



When it was obvious that DOT failed to put out cones on 12/31, I called the MGDGP visitor center on New Years Day to speak with Craig Lorge who was the ranger on duty. I explained the Mt. Murphy landslide, the precarious situation, and the necessity to put up cones ASAP as this was a **public safety issue**. The person I spoke with would not connect me with Craig, but I was assured he'd convey the message to have Craig call me ASAP.

After waiting **more than an hour** for Mr. Lorge to return my call, I finally hiked down to the Park Headquarters where I found Craig seated alone in his office. When I inquired as to whether he received my message, Craig affirmed "Yes." But when I asked why he didn't return my call, he replied, "I was busy assisting visitors to the Park." My next question was, "Did they tell you WHY I wanted you to call me back ASAP?" Craig replied defensively, "What seems to be the problem?" That's when I showed him the photos of the landslide and the sway in front of my driveway that you all should have viewed by now. BTW, this is what the lower portion of Mt. Murphy approaching Carvers Road looked like on New Years Day:



By the time I hiked back up the road my neighbors awaited me in my driveway. Thankfully, the men moved the large rocks, spent over an hour unplugging my culvert to divert the flow of water/debris, then returned with a caterpillar tractor to clear a path out of my driveway:



Yesterday when I left my home for the first time in 5 days, I found the lower portion of Mt. Murphy Road to have been leveled by DOT, and the sway cleared entirely from Bayne Road and around the Coloma

Resort. The question now is, why didn't DOT bother to level the county maintained road in front of my home?



DOT dirt/gravel maintenance atop former HARD SURFACE of road



Lastly, El Dorado Disposal is scheduled to arrive early Thursday morning and my driveway is their turn-around point. With the cones/signs now positioned at Carver's Road, my neighbors and I are concerned that scheduled ED Disposal and propane services will not be able to get through to Mt. Murphy Road.

Please advise ASAP what the county is doing to mitigate the necessary road repairs and other services.

Sincerely,

*Melody Lane*

**Founder – Compass2Truth**

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

**From:** [melody.lane@reagan.com](mailto:melody.lane@reagan.com) <[melody.lane@reagan.com](mailto:melody.lane@reagan.com)>

**Sent:** Sunday, January 1, 2023 10:40 AM

**To:** [road.maintenance@edcgov.us](mailto:road.maintenance@edcgov.us); [rafael.martinez@edcgov.us](mailto:rafael.martinez@edcgov.us); Craig Lorge <[Craig.Lorge@parks.ca.gov](mailto:Craig.Lorge@parks.ca.gov)>

**Cc:** [lori.parlin@edcgov.us](mailto:lori.parlin@edcgov.us); Shelley Wiley <[shelley.wiley@edcgov.us](mailto:shelley.wiley@edcgov.us)>; [barry.smith@parks.ca.gov](mailto:barry.smith@parks.ca.gov)

**Subject:** Mt. Murphy Road landslide

**Importance:** High

Mt. Murphy Road needs to be blocked off with cones at Carvers Rd as well as at the top of Mt. Murphy in Garden Valley. Reported landslide to DOT at 2:45 yesterday.

Meanwhile a guy with a 4WD got stuck late last night and a neighbor just towed him out of a very precarious situation with a Jeep this morning. ROAD IS VERY UNSTABLE AT POINT OF LANDSLIDE. Primary landslide is approx. ¼ mile up the road past my home, 6771 Mt. Murphy Rd. This is the sway in front of my driveway, but some rocks are too large for me to move by myself:



Landslide area:











*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).)