Public Comment #15 Bos Revd. 2-13-23

From:

melody.lane@reagan.com

Sent:

Monday, February 13, 2023 1:20 PM

To:

BOS-Clerk of the Board; Kim Dawson; Lori Parlin; Rafael Martinez

Cc:

Donald Ashton; David A Livingston; Brian Mullens; Joseph Carruesco; BOS-District V;

BOS-District IV; BOS-District I; BOS-District III; BOS-District II

Subject:

2/14/23 BOS Public Comments - Item #15 DOT Storm Damage

Attachments:

PRA005444-013123 Mt Murphy Rd DOT.docx; RMartinez PRA communications

2-6-23.docx

Please ensure that the entirety of this communication, including attachments, are posted to the 2/14/23 BOS Consent Agenda Item #15 and timely distributed via GovDelivery.

Supervisors:

It is reprehensible that DOT, in particular Rafael Martinez and Brian Mullens, are given license by the BOS and County Counsel to arrogantly violate their Constitutional oaths, Good Governance, and personnel policies. Don't forget who you work for. It should not be necessary to remind you that the preamble to the Brown Act and CA Public Record Act states:

"THE PEOPLE OF THIS STATE DO NOT YIELD THEIR SOVEREIGNTY TO THE AGENCIES WHICH SERVE THEM. THE PEOPLE, IN DELEGATING AUTHORITY, **DO NOT GIVE THEIR PUBLIC SERVANTS THE RIGHT TO DECIDE WHAT IS GOOD FOR THE PEOPLE TO KNOW AND WHAT IS NOT GOOD FOR THEM TO KNOW.** THE PEOPLE INSIST THEY MAY RETAIN CONTROL OVER THE INSTRUMENTS THEY HAVE CREATED."

The public is entitled to honest services. DOT has deliberately misrepresented the extent of damage to Mt. Murphy Road from the New Year's Eve landslides. Additionally, the public safety concerns of Coloma residents on the northeast side of the Mt. Murphy bridge have been perpetually obfuscated and diverted by DOT and Comrade Parlin. The county has been woefully negligent in addressing our public safety concerns relevant to the upcoming fire season, and in many cases, the county has outright lied to residents. The coordination of public services, as per Good Governance and EDC Core Values, is a requirement of your oaths of office. **This should be a no-brainer.**

You know perfectly well that your delay tactics and refusal to address constituent concerns are unlawful. As of this date, the attached PRA005444-013123 and the 2/6/23 inquiries made of Rafael Martinez and Lori Parlin remain largely unanswered. Furthermore, it should not be necessary for me to find out the identity of the occupants of vehicle license plate CAT 60 from a third party (driver Matt Veerkamp and DOT Brian Mullins). This information should have been made immediately accessible pursuant to my rights under the California Public Records Act § 6253(d).

Melody Lane

Founder - Compass2Truth

"It does not take a majority to prevail... but rather an irate, tireless minority, keen on setting brushfires of freedom in the minds of men." ~ Samuel Adams ~

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

Sent: Friday, February 10, 2023 1:50 PM

To: 'Kim Dawson' <kim.dawson@edcgov.us>; 'El Dorado County Public Records Center' <eldoradocountyca@mycusthelp.net>; 'Lori Parlin' <lori.parlin@edcgov.us>; 'Donald Ashton'

<don.ashton@edcgov.us>; 'David A Livingston' <david.livingston@edcgov.us>

Cc: 'Joseph Carruesco' < Joseph. Carruesco@edcgov.us>; 'Brian Mullens' < brian.mullens@edcgov.us>; 'Rafael

Martinez' <Rafael.Martinez@edcgov.us>

Subject: RE: Public Records Request :: P005444-013123

- 1. There was no explanation as to the relevance of the AQMD 2015 document to this PRA. For decades DOT has been fraudulently representing Mt. Murphy Road as a "dirt" road. The entirety of Mt. Murphy Road from Hwy 49 to Marshall Grade historically has been a SOLID ASPHALT PAVEMENT until DOT began destroying it and overlaying with raw dirt and loose gravel. Rafael Martinez and the BOS have received ample evidence entered into the public record of 4" thick chunks of the SOLID ASPHALT PAVEMENT that ended up in front of my home after the 1/31/22 landslide. This goes hand-in-hand with the Mt. Murphy Bridge replacement project. When is the road going to be properly restored to the solid asphalt pavement?
- 2. Per my conversation yesterday with Matt Veerkamp, employee of Doug Veerkamp General Engineering, Inc., he informed me that DOT employee Brian Mullens was the passenger in the Ford truck lic. #CAT 60. This information should have been immediately available on 1/31/23. An explanation is in order as to why the identity of both individuals was deliberately withheld. If you intended to withhold it, then why didn't the county provide a signed notification citing the specific legal authorities on whom you rely as clearly requested in the PRA?
- 3. The county also failed to respond to item #2 Any policy, procedure, or directive from county staff indicating that an employee is not required return phone calls, respond to communications, to speak to and/or provide their identity to constituents. This includes any communications from the CAO, BOS, or Department heads. If no such documents exist, please so state immediately. *Note these time periods may not be used solely to delay access to the records. (§ 6253(d)) What is your response?
- 4. Also, Ashley Johnson's response to #1 & #3 was just received today, February 10th at 9:26 AM, but the DOT response is deceptively backdated to February 7th. This clearly indicates that the county is colluding to engage in deliberately deceptive practices and failure to provide honest public services:

February 7, 2023

Ms. Lane,

In response to Public Records Request P005444-013123, please find below the responses to the corresponding numbers.

- 1. The identify of the individuals pictured is Brian Mullens, Deputy Director of Maintenance and Operations and an individual working with Doug Veerkamp General Engineering, Inc.
- 3. The current on-call agreement with Doug Veerkamp General Engineering Inc, #7403, is attached for reference. At this time, there is not a Task Order or dollar amount assigned to Mount Murphy Road repair as it is still being evaluated and the scope of work is being determined.

Regards,

Ashley Johnson Sr. Administrative Analyst

PLEASE PROMPTLY RESPOND TO ALL OF THE ABOVE DELINEATED ITEMS.

Melody Lane

Founder, Compass2Truth

"When an honest man discovers he is mistaken, he is no longer mistaken or no longer honest."

From: Kim Dawson < kim.dawson@edcgov.us >

Sent: Friday, February 10, 2023 9:26 AM

To: melody.lane@reagan.com; 'El Dorado County Public Records Center'

<eldoradocountyca@mycusthelp.net>; Lori Parlin <lori.parlin@edcgov.us>; Donald Ashton

<don.ashton@edcgov.us>; David A Livingston <david.livingston@edcgov.us>

Cc: Joseph Carruesco < Joseph. Carruesco @edcgov.us >; Brian Mullens < brian.mullens@edcgov.us >; Rafael

Martinez < Rafael. Martinez@edcgov.us>

Subject: RE: Public Records Request :: P005444-013123

Please find the attachments in pdf format. Thank you, 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

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

Sent: Friday, February 10, 2023 8:42 AM

To: 'El Dorado County Public Records Center' < eldoradocountyca@mycusthelp.net>; Kim Dawson

<a href="mailto:kim.dawson.dawson.adawson.adawson.adawson.adawson.dawson.adawson

David A Livingston david.livingston@edcgov.us

Cc: Joseph Carruesco < Joseph. Carruesco@edcgov.us >; Brian Mullens < brian.mullens@edcgov.us >; Rafael

Martinez < Rafael. Martinez@edcgov.us >

Subject: RE: Public Records Request :: P005444-013123

This information should have been immediately accessible and emailed directly to me as specifically stated:

"To avoid <u>unnecessary delays</u> or costs of duplication, electronic copies are acceptable and may be emailed directly to <u>melody.lane@reagan.com</u> in pdf format.

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)) The law makes no provision for extensions due to Covid-19."

Be advised that I had a conversation yesterday at approximately 4 PM with Matt Veerkamp, the driver of the Ford pickup, license plate CAT 60. He identified DOT Deputy Director Brian Mullens as the passenger of the vehicle who disrespectfully mocked me and refused to identify himself. As such, Brian Mullens is in violation of his oaths of office, as well as EDC Good Governance and personnel policies which are grounds for disciplinary action. HR Director Carruesco is hereby advised to investigate this complaint and enter it into Mr. Mullens' and Mr. Martinez' respective personnel files.

Quit with the Bureaucratic Shenanigans and promptly email to me all the requested documents as per Government Code Section 6250 et seq.



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: El Dorado County Public Records Center < eldoradocountyca@mycusthelp.net>

Sent: Friday, February 10, 2023 7:47 AM

To: melody.lane@reagan.com

Subject: Public Records Request :: P005444-013123

--- Please respond above this line ---



County of El Dorado

The Gold Standard in Public Service

Public Records

RE: PUBLIC RECORDS REQUEST of January 31, 2023, Reference # P005444-013123

Dear Melody,

The County of El Dorado, CA received a public information request from you on January 31, 2023. Your request mentioned:

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 identity by name and title of the below pictured driver and passenger in the silver Ford truck, license plate

CAT 60. This information should be immediately accessible.

2. Any policy, procedure, or directive from county staff indicating that an employee is not required return phone

calls, respond to communications, to speak to and/or provide their identity to constituents.

This includes

any communications from the CAO, BOS, or Department heads. If no such documents exist, please so state

immediately.

3. Contract with Veerkamp Construction for Mt. Murphy Road repairs, scope of work, materials to be used, cost of project, and timeline.

4. Mt. Murphy Bridge Replacement timeline and

5. Detailed Emergency Evacuation Plan/route for residents on northeast side of the river.

The County has reviewed its files and has located recordsresponsive to your request. Your request indicated a preference to receive the records in electronic form. These records can be accessed by visiting the <u>Public</u> Record Center.

If you have any questions, or wish to discuss this further, please contact me.

Sincerely,

Kim Dawson

Board of Supervisors

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

Sent: Monday, February 6, 2023 7:30 PM

To: 'Rafael Martinez' <Rafael.Martinez@edcgov.us>; 'Kim Dawson' <kim.dawson@edcgov.us>; 'BOS-Clerk of the Board' <edc.cob@edcgov.us>; 'Donald Ashton' <don.ashton@edcgov.us>; 'Lori Parlin' <lori.parlin@edcgov.us>

Cc: 'David A Livingston' <david.livingston@edcgov.us>; 'BOS-District V' <bosfive@edcgov.us>; 'BOS-District IV' <bosfive@edcgov.us>; 'BOS-District III' <bostwo@edcgov.us>; 'BOS-District III' <bostwo@edcgov.us>; preston.moore@edcgov.us; road.maintenance@edcgov.us

Subject: RE: Please pull 2/7/23 BOS Agenda Item #14 - DOT/Storm Damage Road Repairs

Rafael, et al,

DOT's VM system is malfunctioning and cutting off after about 15 seconds. That means I have not been able to leave phone messages for Preston or Kelly concerning the incident when a truck pushed right through the barricades last Wednesday evening 2/1 at approximately 6:30 PM. The truck never came back down the road, necessitating that I call CHP and State Parks Dispatch to investigate if the driver may in trouble or crashed at the bottom of the ravine.

It was only just this morning that I was finally able leave a message on your own VM without getting cut off, but I was never able to get through to Kelly or Preston's VM. **DOT had showed up around 10 AM this morning to replace the barricades. However, a MGD Park ranger had already assisted me in repositioning them Saturday morning since I have a bad back and they were too heavy to move by myself.** When I went out front to speak with DOT, they deliberately ignored me and backed down the hill.

Last Wednesday 2/1 was also when several unmarked vehicles full of passengers were led by two guys wearing neon yellow vests (presumably DOT staff), CA license 1544271. They were providing "tours" of the Mt. Murphy road damage, which just happened to be the subject of Item #8 of the 2/2 CLAC meeting when your report was read into the record by Rusty Sage. The vehicles were using my driveway to turn around despite numerous signs that indicate NO TRESPASSING – PLEASE NO TURNAROUND. As I explained before, I've had three electric gates forced and broken beyond repair by trespassers, not to mention other vandalism and harassment by local miscreants. Every time a vehicle gets within a certain distance of my gate it sets off my security alarm inside the house. These intrusions have been happening several times a day since the 12/31 landslides. As I also explained, last Wednesday evening CHP specifically directed me to file a report with EDSO about these intrusions onto my private property. Deputy Utterbach was reticent to investigate the Wednesday incidents or take any information, and instead said he would "contact DOT about the barricades and perhaps send up a drone equipped with night vision."

When I spoke with Preston last Thursday 2/2, he indicated the county has been having periodic problems with the VM system. At that time, it was also determined that NONE of my emails were making it through to Preston's personal email or to the DOT Maintenance email. After several attempts to resend my email, Preston thought perhaps the photos within the body of the email might be the problem. That's when I explained to Preston that **Don Ashton unlawfully blocked my ability to communicate electronically with staff**. Certain staff can email me, **but I can't reply to them**, nor do I get any acknowledgement whatsoever to emails, delivery/read receipts, or phone messages = COMMUNICATION BREAKDOWN. That's why I finally called Kim Dawson to follow up on the source of the problem. Kim just forwarded my emails marked "FYI", but she failed to provide me with appropriate follow up = **ANOTHER COMMUNICATION BREAKDOWN**.

In regard to PRA005444-013123, the identity of the occupants of the Ford pickup CA license CAT-60 should be immediately available. The guys claimed to work for DOT but refused to identify themselves. If they are not DOT employees, then please so indicate without further delay. My PRA was very explicit:

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))

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 ~

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

Sent: Monday, February 6, 2023 10:21 AM

To: melody.lane@reagan.com; Kim Dawson < kim.dawson@edcgov.us>; BOS-Clerk of the Board < edc.cob@edcgov.us>; Donald Ashton < don.ashton@edcgov.us>; Lori Parlin < lori.parlin@edcgov.us> Co: David A Livingston < david.livingston@edcgov.us>; BOS-District V < bosfive@edcgov.us>; BOS-District IV < bosfour@edcgov.us>; BOS-District II < bosthree@edcgov.us>; BOS-District III < bosthree@edcgov.us>; BOS-District III < bosthree@edcgov.us>;

Subject: RE: Please pull 2/7/23 BOS Agenda Item #14 - DOT/Storm Damage Road Repairs

Melody,

I know you have had a couple of phone conversations with my staff (Preston and Kelly) in the past month. In addition, we have received your emails. My department receives hundreds of calls and emails each week, and each concern is logged, prioritized, and addressed accordingly. My staff has noted your concerns, and they have on their schedule to asses Mt. Murphy Rd. again today. When concerns are repeated by phone or email, my staff may delay in responding to prioritize those submitting first time concerns. On my crew's last inspection, they did not see that the barricades were moved substantially and believed they still prevented access. Please remember that we have no control over the public and if they move the barricades. We are not law enforcement, nor can we afford to staff a monitor at Mt. Murphy Rd. The County has over a thousand miles of roadway to maintain, and we must prioritize county road needs for the good of all the public. I understand that residents are invested in their own roads more so than others, so your assessment of what must be done and when may differ from the County's. However, we are inspecting Mt. Murphy Rd. again today and will make adjustments as needed.

In regards to your public records request (PRA), we have ten days of receipt of your request to respond if we have records that can be disclosed. Kim, the Clerk of the Board, entered your email into our PRA system when it was received. You should have received an automated email response to the email you sent the request from stating that it was received. Our staff is working on it, and you will receive a response.

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: Sunday, February 5, 2023 8:03 PM

To: Kim Dawson kim.dawson@edcgov.us; BOS-Clerk of the Board edc.cob@edcgov.us; Donald Ashton

<don.ashton@edcgov.us>; Lori Parlin <lori.parlin@edcgov.us>

Cc: Rafael Martinez < Rafael. Martinez@edcgov.us >; David A Livingston < david.livingston@edcgov.us >;

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

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

Subject: Please pull 2/7/23 BOS Agenda Item #14 - DOT/Storm Damage Road Repairs

Please pull Agenda Item #14 for public discussion and ensure the entirety of this correspondence, including attachments with photos, are posted and distributed via GovDelivery.

Supervisors,

The attached photos are worth a thousand words. Of particular concern on this agenda item is Raphael Martinez' FALSE representation of the condition of Mt. Murphy Road and his habitual failure to address DOT issues.

Of equal concern is the fact that Rafael and Lori Parlin refuse to respond to phone calls or address the multiple public safety concerns of constituents necessitating submittal of the attached Public Record Act request #P005444-013123. Additionally, the blatant disrespect demonstrated during public meetings by Rafael Martinez and Comrade Parlin over public safety concerns of Coloma residents has been reprehensible.

Mt. Murphy Road was a formerly hard surface, but it has been systematically destroyed by DOT at the expense of taxpayers. The road is in dire need of major repairs prior to the upcoming fire season and commencement of work on the Mt. Murphy Bridge replacement. It would be irresponsible for the county/OES to kick this can further down the road until disaster strikes. The county has failed to address resident's concerns about public safety and emergency access for the entire 25 years I've lived in Coloma. The road must be restored to the former hard surface it once was. 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.)



It also appears that the BOS and Department Heads are ignoring my emails. That is, the question is whether they are even receiving them at all ever since CAO Don Ashton <u>unlawfully</u> ordered IT to block my ability to communicate electronically with staff. Don Ashton most certainly is NOT the "good communicator" as he was falsely portrayed during last week's Taxpayers Association meeting. David Livingston, Don Ashton, Kim

Dawson, and the BOS are complicit and liable for their knowledge of wrongdoing and their failure to take remedial action pursuant to their oaths of office.

So quit with the hypocrisy and Bureaucratic Shenanigans. Don't forget who you work for. Properly fix Mt. Murphy Road, and fix the communication problem between DOT public servants and constituents.

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."