

Public Comment #1  
Bos Recd. 1-27-25

**From:** melody.lane@reagan.com  
**Sent:** Monday, January 27, 2025 1:14 PM  
**To:** Kim Dawson; BOS-Clerk of the Board; George Turnboo; Lori Parlin; Rafael Martinez  
**Cc:** David A Livingston; Tiffany Schmid; BOS-District V; BOS-District IV; BOS-District I; BOS-District III; BOS-District II  
**Subject:** 1/28/25 BOS Agenda Item #1 - Demand to "Cure and Correct" minutes/Brown Act Violation/PRA re: Mt. Murphy Bridge  
**Attachments:** 1-24-25 DOT Staff CLAC Communications Mt Murphy Bridge.doc; 11 CLAC Mt Murphy Bridge HLP boardwalk continued off calendar.docx

**This Message Is From an External Sender**

This message came from outside your organization.

Report Suspicious

Please ensure the entirety of this email, including the attachments pertaining to the **Mt. Murphy Bridge PRA**, is posted to Item #1 of the 1/28/25 BOS Agenda and distributed via the GovDelivery System.

The public is entitled to honest services. However, matters surrounding the Mt. Murphy Bridge have been handled very surreptitiously. Please note that "any person" may demand to "Cure and Correct" the minutes pertaining to Agenda Item #11 of the 1/14/25 BOS meeting minutes. Chairman Turnboo and Supervisor Parlin violated the Brown Act by depriving those of us who were patiently waiting on Zoom the opportunity to address this agendized item.

Although staff had requested Item #11 be "continued off calendar", it was posted as an agendized item scheduled for 10 AM; it was **not a Consent item** as falsely portrayed in the minutes. Lori Parlin also remarked after my Open Forum comments that this item "wasn't supposed to be on the agenda" and that the item would be addressed later. Nevertheless, the Brown Act clearly states that citizens still have "broad constitutional rights" to publicly comment and make inquiries regarding agendized items.

The BOS is required to "Cure and Correct" the minutes and thereby comply with the Brown Act by providing the public a future date when this matter will appear on the BOS agenda.

*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:** Friday, January 24, 2025 7:17 PM

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

**Cc:** Kim Dawson <Kim.Dawson@edcgov.us>; 'David A Livingston' <david.livingston@edcgov.us>; Tiffany Schmid <Tiffany.Schmid@edcgov.us>; Noel Stack <nstack@mtdemocrat.net>; bosfive@edcgov.us; bosfour <bosfour@edcgov.us>; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

**Subject:** Correct and Cure Minutes of the 1/14/25 BOS Agenda Item #11 pertaining to the CLAC/Mt. Murphy Bridge + PRA

Chairman Turnboo, Lori Parlin, Rafael Martinez, et al,  
(BCC numerous others)

California's Brown Act is a pivotal piece of legislation that governs the conduct of public meetings within the state. It aims to ensure transparency and accountability in government by mandating open sessions for local legislative bodies, enabling the public to participate actively in democracy. Understanding this law is crucial for both public officials, hence Mandatory Ethics Training for Public Officials is required under AB1234.

The Brown Act is a foundational statute in California designed to promote transparency and public participation in local government. It ensures that the actions and deliberations of public agencies are conducted openly, allowing citizens to be informed about the decision-making processes that affect their communities.

At its core, the Brown Act requires that meetings of legislative bodies be open and public, with few exceptions. **Agendas must be posted in advance**, and the public **must** be given the opportunity to attend and participate. Any action taken in violation of its provisions can be declared null and void, emphasizing the importance of adherence. **By setting these standards, the Brown Act seeks to prevent secretive decision-making and foster openness.**

The Brown Act sets forth requirements to ensure transparency in public meetings conducted by local legislative bodies in California. Central to these requirements is the need for meetings to be accessible to the public, primarily achieved through the obligation to provide **advance notice**. Agendas must be posted at least 72 hours before a regular meeting, detailing the topics to be discussed. **This empowers citizens to prepare for and engage with the matters at hand.**

Public participation is a fundamental aspect of the Act. Legislative bodies **must allow members of the public to address the body on any item of interest within the subject matter jurisdiction**, provided no action is taken on items not on the agenda. **This facilitates open dialogue between government officials and citizens, ensuring community voices are heard.**

The enforcement mechanisms and penalties under the Brown Act are designed to uphold its integrity and ensure compliance by public agencies. When a violation occurs, **any person** may demand the legislative body to **"cure and correct"** the alleged breach within 30 days from the date the action was taken. **This process gives the body an opportunity to rectify the issue without immediate legal consequences.**

**Should the legislative body fail to address the violation, legal action may ensue.** Individuals or entities can file a lawsuit to invalidate actions taken in violation of the Act. This legal remedy underscores the significance of compliance, as it can nullify decisions made without proper public oversight. **The court can also compel the legislative body to comply with the Act, ensuring future adherence to its mandates.**

To clarify, the 1/14/25 BOS Agenda Item #9 was heard, then Agenda Item #10 went beyond 10:30. Chairman Turnboo jumped to Agenda Item #12- DOT/Texas Hill. I spoke up during Item #12 public comments, **inquiring exactly when Item #11 would be heard** so those of us waiting on Zoom could exercise our "broad constitutional rights" to voice our concerns and make inquiries regarding **the DOT related issue**. Instead of responding to me, Chairman Turnboo quickly moved to Item #13. By deliberately ignoring my public inquiry pertaining to the agendaized BOS Agenda Item #11 allocated for 10:00 AM, Chairman Turnboo violated the Brown Act § 54954.2(a).

Please note Item #11 was posted on January 8th, but it wasn't until late Friday, January 10<sup>th</sup> that staff requested it be "continued off calendar". Even though staff "continued the item off calendar, the public still has the right to address the 10 AM time-certain agendized item:

**10:00 A.M. - TIME ALLOCATION (Items will not be heard prior to the time stated)**

11. 24-1398 Clerk of the Board recommending the Board receive and file an annual report from the Coloma Lotus Advisory Committee, and provide direction to the Committee or staff if necessary.

**FUNDING:** N/A

12. 24-1820 **HEARING** - Department of Transportation, Maintenance and Operations Division, recommending the Board approve and authorize the Chair to sign Resolution **217-2024** setting for election a measure to consider a special tax increase to provide road improvement and maintenance and street lighting services in the Texas Hill Road Zone of Benefit 98112 within County Service Area 9; noting that the measure will be submitted to the zone electorate on the ballots distributed for the special election to be held May 6, 2025. (District 3)

**FUNDING:** County Service Area Zone of Benefit Special Taxes (100%).

*Public Comment: K. Nalawaja, M. Lane, K. Payne, S. Taylor, T. McKane, L. Campbell*

Consequently, during the BOS break I called Kyra Scharfenberg to inquire exactly when the BOS intended to address Agenda Item #11. She put me on hold, and after a long pause Kyra returned to inform me "That item was already heard". I assured Kyra it was *not* heard at the time allocated on the posted agenda. Therefore, Kyra said COB Kim Dawson would return my call after the BOS meeting adjourned. By Friday Kim still had not yet returned my call, so I again left messages for Kim, Lori Parlin, and George Turnboo to return my call. Nobody responded. It wasn't until Tuesday January 21<sup>st</sup> that Kim Dawson left me the following voice mail:

*Hi Melody. It's Kim Dawson with the El Dorado County Board of Supervisors returning your call. Um, I just wanted to discuss some of the things that you brought up. The video is posted now. It's always available right after the meeting on YouTube. We had some technical difficulties adding in the closed caption, so we just went ahead and loaded it at this time. As far as having comments on the Coloma Lotus Advisory Committee, um, the thought was that you would have that opportunity when it was adopted on the agenda to be continued off calendar. You also had the opportunity at Open Forum. **It's at the Board's discretion** as to, as far as opening it up to take public comments on it, and they decided it could be as you had a chance on the adoption of the agenda and also Open Forum. Um, anyway, I think I've addressed what you spoke to. I hope that answers your questions and I will see you soon. Thanks. Bye-bye.*

You are reminded of your oath to support and defend the Constitution and the rights of the people whom you represent. To be clear, the Clerk of the Board is not the mouthpiece for the BOS. It is the duty of the BOS to respond to constituents. Furthermore, there is nothing in the Brown Act that gives the BOS "discretion" to circumvent the sovereignty and "broad constitutional rights" of the people. The Brown Act preamble is explicit in that regard:

“**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.”

Note as well the following Brown Act 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.

Although my neighbors were no longer available for Open Forum when I made my prepared comments on Zoom, Lori remarked Agenda Item #11 “wasn’t supposed to be on the January 14<sup>th</sup> BOS Agenda”. However, she stated CLAC will hold another meeting on Feb. 6<sup>th</sup>. Lori also remarked she would address CLAC and the closure of Mt. Murphy Bridge later during the BOS meeting. In so doing, the public was again deprived their First Amendment right to engage in “**meaningful public dialog**”, thereby our concerns were “**artificially geared toward maintaining the status quo**”.

The public perception is that the BOS has something to hide, nor are they authentically committed to transparency or the “Good Governance Policy.” Please take note the following remarks are indicative of constituents who were not permitted to address Agenda Item #11 regarding the Mt. Murphy Bridge:

This is an outrage. The inconvenience, safety, gas cost... time and money that the DOT is imposing by their derelict management is unconscionable. Engineers are coming out to make assessments? The county DOT is making a plan? Like the accident brought the issue to their attention? **This endangers the lives and property of dozens of people should a fire sweep through. No different than Pacific Palisades having an empty reservoir because it was scheduled for repairs that haven’t been started.** I suspect government agencies are more occupied with DEI compliance than actually performing their specific public service.

###

How could the BOS be so derelict to the citizens it serves?

**EDC BOS Mission Statement: Together, we enhance the well-being of all residents, businesses, and visitors by delivering effective public service.**

They are an inept bunch of elected officials who fail to understand the Three Cardinal Moral Virtues: Courage, Temperance, Justice. Without Justice, there is no virtue. Courage can be practiced on a desert island, so can Temperance, but Justice involves another person or persons. If the three virtues are

integrated, justice prevails by considering the perspective of others. This is accomplished not by telling, but by asking questions. This philosophy is from Aristotle.

How can supervisors act with any courage or temperance if they do not ask questions in order to address the public's concerns? By what means can they *deliver effective public service* if they don't listen to the public and pose clarifying questions of those they appoint to head service departments? In order to serve the public effectively they need to demonstrate a level of moral courage, temperance and justice... *together?* Otherwise, how is transparency and accountability possible?

###

You are aware that Mandatory Ethics Training required under AB1234 clarifies that ethics laws constitute only *minimal* standards for officials' conduct. Please note these excerpts from the *Institute for Local Government Public Service Ethics*:

- Even if it's legal, it may not be ethical. Just because a course of action is legal, doesn't make it ethical or what one ought to do.
- Because of the breadth of federal anticorruption law, avoid any temptation to walk closely to the line that *divides legal from illegal conduct* under state law.
- Even though a course of action may be lawful under state law, it may not be lawful under federal law.
- In addition to state law, federal anticorruption law broadly guarantees the public "honest services" from public officials. ***Depriving the public of honest services is a federal crime.***
- Ethics laws are a floor for conduct, not a ceiling.
- California law says that public officials must conduct public hearings in accordance with due process principles.
- Constitutional due process principles require a decision-maker to be fair and impartial, nor can they retaliate against those who whistle blow. (i.e., As was done by EDC in the case of former Planning Commissioner Dr. Cheryl Bly-Chester).
- Every effort should be made to avoid *artificially short time periods*, so as to give the public a reasonable chance to share their views and demonstrate the agency's commitment to openness. The chair cannot stop speakers from expressing their opinions or their criticism of the governing body.
- Transparency promotes public trust and confidence by demonstrating that officials have nothing to hide.

To summarize, your violations of the Brown Act cannot be permitted to establish a pattern of conduct that diminishes the Brown Act Rights of the Public and thereby set a precedent. **Please take note: Agenda Item #11 was NOT a Consent item. It was a previously posted agenda item allotted "10:00 AM time certain"; therefore, the public had a right to be heard.**

The law establishes that the County is required to "**cure and correct**" the unlawful conduct of Chairman Turnboo, as well as the minutes of the 1/14/25 BOS meeting which falsely indicate that Agenda Item #11 was "**Continued Off Calendar Upon Approval of the Consent Calendar**".

Note as well the attached PRA #P007602-012425 relevant to this specific Agenda Item. Your prompt attention to this matter is appreciated.

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. ~



# Compass2Truth

*Citizens for Constitutional Liberty*

P.O. Box 598  
Coloma, CA 95613

January 24, 2025

To: District #4 Supervisor Lori Parlin  
BOS Chairman George Turnboo  
DOT Director Rafael Martinez  
Clerk of the Board Kim Dawson  
CAO Tiffany Schmid  
Chief Counsel David Livingston

## CA PUBLIC RECORDS ACT REQUEST #P007602-012425

Several local residents waited patiently on Zoom but we were denied the exercise of our First Amendment rights to address questions regarding the 1/14/25 BOS Agenda Item #11 pertaining to the Mt. Murphy Bridge. This agenda item was publicly posted to the County Calendar on 1/8/25:

### **10:00 A.M. - TIME ALLOCATION (Items will not be heard prior to the time stated)**

- 11. 24-1398** Clerk of the Board recommending the Board receive and file an annual report from the Coloma Lotus Advisory Committee, and provide direction to the Committee or staff if necessary.

**FUNDING: N/A**

However, staff did not request this item be "continued off calendar" until late Friday, 1/10/25. Once the item has been posted to the Calendar, the public maintains their "broad constitutional rights" to address the agenda item during the allocated time. Therefore, pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain **via email**:

1. **All staff correspondence**, including but not limited to that of the Department of Transportation, Parks and Recreation, Supervisor Parlin, Supervisor Turnboo, and appointees to the Coloma Lotus Advisory Committee, pertaining specifically to **Agenda Item #11 of the January 14, 2025** Board of Supervisors meeting, and specifically identifying the rationale and the **person(s) responsible** for requesting that this agenda item be "continued off calendar" If no such documents exist, then please so state **immediately**.

To avoid unnecessary delays or costs of duplication, electronic copies are acceptable and may be emailed directly to [melody.lane@reagan.com](mailto:melody.lane@reagan.com) in **pdf format**. Access is always free. Fees for "inspection" or "processing" are prohibited. (§ 6253)

**The agency must justify the withholding of any record** by demonstrating that the record is exempt or that the public interest in confidentiality outweighs the public interest in disclosure. (§6255) **If you determine that**

**some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the specific legal authorities on whom you rely.**

It is further requested that your determination be made within **10 days, or sooner**, as stipulated within the California Public Records Act, Government Code 6253(c). **\*Note these time periods may not be used solely to delay access to the records. (§ 6253(d))**

Please do not hesitate to contact me immediately if you have any questions.

Sincerely,

*Melody Lane*

**Founder – Compass2Truth**



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 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?

