

From: Bradley Johnson <bjohnson@everviewlaw.com>
Sent: Monday, October 18, 2021 8:34:35 AM
To: Lloyd Guintivano <Lloyd.Guintivano@lakecountyca.gov>; Brad Johnson <bjohnson@hthjlaw.com>
Cc: Anita Grant <Anita.Grant@lakecountyca.gov>
Subject: Re: Public Records Act request / preservation request

Thank you Lloyd. On quick review, many of the documents you produced are not responsive to my PRA request – they include emails I have sent to Anita on other projects, as well as emails between planning staff and Annje Dodd on other projects.

There are very few emails dating from the time that the Sourz project was submitted and relating to review and development of the project. I have been through the project application process many times, and the documents you produced are missing almost all of the typical emails between planners and project applicants and between planners and internal supervisors/staff. So, I am assuming that these are still forthcoming. In that regard, what is the anticipated timeframe for releasing additional records?

Brad

From: Lloyd Guintivano <Lloyd.Guintivano@lakecountyca.gov>
Date: Friday, October 15, 2021 at 9:04 PM
To: Brad Johnson <bjohnson@hthjlaw.com>
Cc: Anita Grant <Anita.Grant@lakecountyca.gov>
Subject: RE: Public Records Act request / preservation request
Resent-From: <bjohnson@hthjlaw.com>

Dear Mr. Johnson,

As a follow-up to my email below, attached are the third batch of disclosable records responsive to your records request. We are still in the process of searching for and reviewing other records responsive to your records request, and we hope to provide you with the next batch of disclosable records next week.

Naturally, should you have any questions or comments, please do not hesitate to contact me via email.

Sincerely,

Lloyd C. Guintivano
Senior Deputy County Counsel
County of Lake
(707) 263-2321

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From: Lloyd Guintivano
Sent: Friday, October 15, 2021 6:53 PM
To: 'Brad Johnson' <bjohnson@hthjlaw.com>
Cc: Anita Grant <Anita.Grant@lakecountyca.gov>
Subject: RE: Public Records Act request / preservation request

Dear Mr. Johnson,

As a follow-up to my email below, attached are the [second batch](#) of disclosable records responsive to your records request. The next batch should soon follow this email.

Naturally, should you have any questions or comments, please do not hesitate to contact me via email.

Sincerely,

Lloyd C. Guintivano
Senior Deputy County Counsel
County of Lake
(707) 263-2321

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From: Lloyd Guintivano
Sent: Friday, October 15, 2021 6:47 PM
To: 'Brad Johnson' <bjohnson@hthjlaw.com>
Cc: Anita Grant <Anita.Grant@lakecountyca.gov>
Subject: RE: Public Records Act request / preservation request

Dear Mr. Johnson:

In response to your email below, the privacy grounds referenced in our office's previous email would include personnel and medical documents, as well as other information in which there is a reasonable expectation of privacy (e.g. social security numbers, driver's license

numbers, etc.). We do not oppose the suggestions raised in your email below, and we will notify you if there are any other additional grounds for redaction / exclusions in the course of our review of the responsive records.

As a supplement to my email below, attached are the **first batch** of disclosable records responsive to your records request. The next batch should soon follow this email.

Naturally, should you have any questions or comments, please do not hesitate to contact me via email.

Sincerely,

Lloyd C. Guintivano
Senior Deputy County Counsel
County of Lake
(707) 263-2321

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From: Brad Johnson [<mailto:bjohnson@hthjlaw.com>]
Sent: Wednesday, September 29, 2021 12:06 PM
To: Lloyd Guintivano <Lloyd.Guintivano@lakecountyca.gov>
Cc: Anita Grant <Anita.Grant@lakecountyca.gov>; Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Carolyn Purdy <Carolyn.Purdy@lakecountyca.gov>
Subject: [EXTERNAL] Re: Public Records Act request / preservation request

Mr. Guintivano,

Thank you for your response below. I appreciate your work to provide a timely response to our request. I would, however, like to make a few clarifications/corrections, as follows:

- Privacy: We are not requesting personnel, medical, or similar files that are generally exempt from disclosure under the PRA's privacy provisions. Please clarify what "privacy" concerns justify exemption from disclosure of responsive Writings that do not fall within these categories.
- Preliminary Drafts: I understand the limits of the GC 6254(a) exemption, but as you likely know this exemption only applies if all three criteria are met, i.e., (1) the record is a preliminary draft, note, or memorandum; (2) the record is not retained in the ordinary course of business; and (3) the public interest in withholding the record clearly

outweighs the public interest in disclosure. Please ensure that only Writings that meet all three criteria are withheld; otherwise, such Writings must be disclosed.

- Deliberative Process: The exemption is meant to protect policy advice and recommendations, and cases sometimes refer to the requirement that the record contain "recommendatory" material. Where opinions and recommendations are contained in a document that also contains merely factual material, the County must, if possible, produce it with the recommendatory portions redacted.
- GC 6255 does not permit narrowing of our request by date. Our request did not specify a date window. However, we would be willing to narrow the window to January 1, 2020 through September 29, 2021.
- GC 6255 does not permit exclusion of responsive Writings from "any other member of the public, private organizations, government agencies, non-governmental agencies" (i.e., items 1.e and 2.e). Please ensure that your search and production includes those items.
- As to item 3.I. (seeking certain Writings created, transmitted, or received by County Counsel), I agree that Writings between County Counsel and other County staff/commissioners/supervisors is likely privileged and exempt from disclosure. However, the request seeks nonprivileged Writings (a) from County Counsel to nonclient third parties; and (b) to County Counsel from non-client third parties. Please ensure that your search and production includes such items.

Please be sure that County personnel are instructed to not delete potentially-responsive text messages, emails (including emails sent from personal devices or accounts that fall within the scope of the PRA and this request), and other Writings.

I am happy to discuss further as needed.

Thank you,

Brad Johnson

From: Lloyd Guintivano <Lloyd.Guintivano@lakecountycalifornia.gov>

Date: Monday, September 27, 2021 at 1:36 PM

To: Brad Johnson <bjohnson@hthjlaw.com>

Cc: Anita Grant <Anita.Grant@lakecountycalifornia.gov>, Carol Huchingson <Carol.Huchingson@lakecountycalifornia.gov>, Carolyn Purdy <Carolyn.Purdy@lakecountycalifornia.gov>

Subject: FW: Public Records Act request / preservation request

Dear Mr. Johnson:

This letter responds to your attached records request dated September 17, 2021 addressed to the County of Lake Board of Supervisors and the County of Lake Community Development Department, received on October 29, 2014. Your request seeks records relating to the Sourz High Valley Ranch (SourzHVR) Project located at 11650 High Valley Road, Clearlake Oaks, CA 95423.

Please be advised that we have identified records responsive to this request, and they are being compiled at this time. Some records or information otherwise responsive to this request are not subject to disclosure on grounds that include, but are not limited to: privacy grounds, Evidence Code Sections 950, et seq. and 1040 et seq., Government Code Sections 6254(a) [preliminary drafts not retained by the public agency in the ordinary course of business] and 6254(k), Other records are not subject to disclosure pursuant to course of business] and 6254(k), Other records are not subject to disclosure pursuant to Government Code Section 6255 and relate to "deliberative process."

Due to the broad scope of information requested, it is necessary under Government Code Section 6255 to narrow the scope of your request to non-privileged records dated January 1, 2021 through September 27, 2021, and exclude items 1.e, 2.e., and 3.l. referenced in your attached request from disclosure. Based on this narrowed scope, we will make every attempt to provide the disclosable records to you in electronic format, and these may be sent to you via email at no cost so long as the electronic records can be sent in the same electronic format. The cost for any requested hard-copies that are copied, printed, or scanned is \$0.10 per copy for any 8 ½ x 11 copies requested, plus any related mailing costs. We anticipate providing the responsive disclosable records in batches as soon as they are collected and reviewed, with the first batch of responsive disclosable records to be produced no later than October 27, 2021.

Please be advised that every effort has been and will be made to provide all of the responsive disclosable records. Naturally, should you have any questions, please do not hesitate to contact me.

Sincerely,

Lloyd C. Guintivano
Senior Deputy County Counsel
County of Lake
(707) 263-2321

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From: Brad Johnson [<mailto:bjohnson@hthjlaw.com>]

Sent: Friday, September 17, 2021 5:09 PM

To: Carol Huchingson <Carol.Huchingson@lakecountyca.gov>; Carolyn Purdy <Carolyn.Purdy@lakecountyca.gov>

Cc: Anita Grant <Anita.Grant@lakecountyca.gov>

Subject: [EXTERNAL] Public Records Act request / preservation request

Ms. Huchingson and Ms. Purdy:

Please find attached a request for public records under the Public Records Act, and a request to preserve records.

Please let me know if you have any questions regarding the scope of the requests.

Thanks very much,

Brad Johnson

BRADLEY B. JOHNSON, ESQ.
HARRISON TEMBLADOR HUNGERFORD & JOHNSON
MINING LAND USE NATURAL RESOURCES

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