From:	Kali Perkins
To:	Mireya Turner
Cc:	Nicole Johnson; Julisa Gonzalez; Rachelle Daniel; Hila Fichtelberg; Carlos Torrez; Johanna DeLong; Joe Rogoway; E.D. Lerman
Subject:	Re: [EXTERNAL] 2290 Soda Bay Road Appeal
Date:	Tuesday, July 2, 2024 11:34:16 AM
Attachments:	image001.png

Hi Mireya,
Since you long ago told us that date wouldn't work, we have since filled that date and we are not available on July 16, 2024. It is very unfair that you told us that date would not work a long time ago, and now only a short time before that date, you schedule it for the very same date you said wouldn't work? I am strongly objecting to the handling of this matter.
Truly,
Kali Perkins, Esq.
(707) 367-0314

Emerald Law Group
280 North Oak Street
Ukiah, CA 95482
Tel: (707) 468-8300
Fax:(707) 937-2209
www.emeraldlawgroup.org

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August 1-5, 23, 26 2024

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On Tue, Jul 2, 2024 at 11:27 AM Mireya Turner <Mireya.Turner@lakecountyca.gov> wrote:

Good morning Kali,

Thank you for checking in. Our calendar conflict was resolved and we can hold the hearing at the previously scheduled date: Tuesday, July 16, 2024, at 1:30 p.m. Attached please find the notice that will be sent out via USPS today.

Thank you for keeping all parties on the email to be updated.

Cordially,

Mireya G. Turner, MPA

Director

Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221

Fax: (707) 263-2225

Email: mireya.turner@lakecountyca.gov

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From: Kali Perkins <kali@emeraldlaw.org>
Sent: Tuesday, July 2, 2024 10:35 AM
To: Nicole Johnson <Nicole.Johnson@lakecountyca.gov>
Cc: Mireya Turner <Mireya.Turner@lakecountyca.gov>; Julisa Gonzalez <Julisa@emeraldlaw.org>; Rachelle Daniel <Rachelle@emeraldlaw.org>; Hila Fichtelberg <hila@emeraldlaw.org>; Carlos Torrez <Carlos.Torrez@lakecountyca.gov>; Johanna DeLong <johanna.delong@lakecountyca.gov>; Joe Rogoway <joerogoway@rogowaylaw.com>; E.D. Lerman <edlermanesq@gmail.com>
Subject: Re: [EXTERNAL] 2290 Soda Bay Road Appeal

Hi Nicole and Mireya - are you in receipt of my correspondence dated June 17, 2023? To date I have not received any response. The date of July 23, 2024 was set for hearing without checking on our availability. Unfortunately we are unavailable that date as we have a

previous matter set in court. Accordingly we need the date rescheduled to a new date so that we are available to attend for our client.

It is my understanding that you reached out to other counsel on the case to check their availability for the July 23rd hearing, but we never received that courtesy. We are again requesting a continuance of the July 23rd date. Please advise.

Thank you,

Kali Perkins, Esq.
(707) 367-0314

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On Thu, Jun 20, 2024 at 1:31 PM Nicole Johnson <Nicole.Johnson@lakecountyca.gov> wrote:

> Hello Kali,
>
> No problem. Questions are welcome.
>
> The rules from which the BOS gets its authority include Cal. Gov. Code Section 25003 *et. seq.* (generally), Cal. Gov. Code Section 25003 (specifically), California Government Code 54950 et seq., and Article 58, Chapter 21 of the Lake County Code.
>
> As for the questions in your email:
>
>> 1. *we will only get 8-10 minutes TOTAL to present our case before the BOS (that includes any video/power point presentation we wish for the BOS to review)?*
>>
>> The amount of time a public speaker, a presenter, or an appellant will have depends on the BOS' rules for their hearings. To get a better understanding of process, you would need to contact the Administrative Office. The Secretary of the BOS is in that office and staff there handles the preparation for the meetings.
>>
>> 2. *During that presentation we won't be allowed to present witnesses or question staff about the investigation and evidence?*
>>
>> You, your client, and any member of the public may present whatever evidence necessary to convince the decision maker to approve or deny the appeal. So, if you have people who will speak, they may speak along with any other member of the public. There is typically no subpoena process and evidence rules can be a little more relaxed than in a court, however, the BOS does swear in anyone who will be speaking on certain items.
>>
>> Also, the hearing is typically not a "back and forth" where staff is questioned by the public. Staff presents their findings and recommendations, then other interested parties present their evidence, the BOS asks questions if they have any, weighs the evidence, and the BOS makes a decision.
>>
>> 3. *You are unable to change the date of the hearing or grant a request for additional time, only the BOS can do those things at this point?*
>>
>> Correct. The Admin office manages the BOS agenda and meetings. To affect change to an agenda, you would have to go through staff there. However, after a certain point, they cannot make changes and you will need to directly ask the BOS for a continuance. If you do plan to ask the BOS directly, please be ready to provide a reason why. There may be findings the BOS will need to make to vote yes or no on a continuance.
>>
>> 4. *The community development department has provided all available discovery regarding this inspection, and more specifically the investigation with respect to my client's property, and there is no evidence that has not been turned*

over to the parties, except that the staff report will be issued 72 hours before the hearing.

There are State rules and County rules as to how and when hearing materials will be distributed to the BOS and the public. Admin will have more detail on the BOS process, but you would also find information on how meetings are to be held in the Brown Act (California Government Code 54950 et seq.).

I also called and left a much shorter voice message. If you have any further questions, do not hesitate to reach out. I'll try my best to answer.

Sincerely,

Nicole Johnson

Deputy County Counsel

Lake County Counsel's Office

255 N. Forbes St #320

Lakeport, CA 95453

Nicole.johnson@lakecountyca.gov

707-263-2321

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From: Kali Perkins <kali@emeraldlaw.org>
Sent: Thursday, June 20, 2024 12:18 PM
To: Mireya Turner <Mireya.Turner@lakecountyca.gov>
Cc: Julisa Gonzalez <Julisa@emeraldlaw.org>; Rachelle Daniel <Rachelle@emeraldlaw.org>; Hila Fichtelberg <hila@emeraldlaw.org>; Carlos Torrez <Carlos.Torrez@lakecountyca.gov>; Nicole Johnson <Nicole.Johnson@lakecountyca.gov>; Johanna DeLong <johanna.delong@lakecountyca.gov>; Joe Rogoway <joerogoway@rogowaylaw.com>; E.D. Lerman <edlermanesq@gmail.com>

Subject: Re: [EXTERNAL] 2290 Soda Bay Road Appeal

Hi again Mireya,

Apologies for so many questions - I'm a novice, as I haven't done one of these types of hearings before in Lake County so I am trying to understand, and I certainly appreciate your help with the procedures.

So to clarify, you are saying:

1. we will only get 8-10 minutes TOTAL to present our case before the BOS (that includes any video/power point presentation we wish for the BOS to review)?

2. During that presentation we won't be allowed to present witnesses or question staff about the investigation and evidence?

3. You are unable to change the date of the hearing or grant a request for additional time, only the BOS can do those things at this point?

4. The community development department has provided all available discovery regarding this inspection, and more specifically the investigation with respect to my client's property, and there is no evidence that has not been turned over to the parties, except that the staff report will be issued 72 hours before the hearing.

Can you please confirm if this is all correct?

Thank you,

Kali Perkins, Esq.
(707) 367-0314

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On Tue, Jun 11, 2024 at 1:21 PM Mireya Turner <Mireya.Turner@lakecountyca.gov> wrote:

> Hi again Ms. Perkins,
>
> This is an appeal hearing, so there are no subpoenas issued. All your questions should be directed to the BOS and they will make a request for staff personnel if they deem it necessary. There is no direct questioning of Staff at an appeal hearing.
>
> A few months ago, we rescheduled the hearing for months later, to accommodate the schedules of the various attorneys of the appeals. Rather than continue that process, given the multiple parties and since I know the BOS is interested in hearing the item without unnecessary delay, further rescheduling will now be left to the BOS' discretion. The appeal is tentatively scheduled for 7/23, and you are welcome to submit a letter requesting a continuance which will be included in the agenda item as an attachment, if it is received no later than July 10, 2024, for their consideration.
>
> Please let me know if I can be of further assistance.

Cordially,

Mireya G. Turner, MPA

Director, Community Development Department

County of Lake

707.263.2221

On Jun 11, 2024, at 1:05 PM, Kali Perkins <kali@emeraldlaw.org> wrote:

In addition to my request to continue the hearing from 7/23, due to our unavailability, I also have two other questions I need clarification on:

1. you indicated that we only have 8-10 minutes to present, does that include the questioning of witnesses?

2. I didn't see a response to my original email re: Will we need to issue subpoenas for county workers that we will want to question at the hearing, or can we assume the relevant parties will be present?

Please clarify when you have a chance.

Thank you!

Kali Perkins, Esq.
(707) 367-0314

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On Tue, Jun 11, 2024 at 12:44 PM Kali Perkins <kali@emeraldlaw.org> wrote:

> Understood, but how do we request a new date since we are unavailable on 7/23?
>
> Thanks,
>
> Kali Perkins, Esq.
> (707) 367-0314

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On Tue, Jun 11, 2024 at 12:22 PM Mireya Turner <Mireya.Turner@lakecountyca.gov> wrote:

> Hi Kali,

Staff is no longer available on that date.

Cordially,

Mireya G. Turner, MPA

Director

Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221

Fax: (707) 263-2225

Email:
mireya.turner@lakecountyca.gov

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From: Kali Perkins <kali@emeraldlaw.org>
Sent: Tuesday, June 11, 2024 11:53 AM
To: Mireya Turner <Mireya.Turner@lakecountyca.gov>
Cc: Julisa Gonzalez <Julisa@emeraldlaw.org>; Rachelle Daniel <Rachelle@emeraldlaw.org>; Hila Fichtelberg <hila@emeraldlaw.org>; Carlos Torrez <Carlos.Torrez@lakecountyca.gov>; Nicole Johnson <Nicole.Johnson@lakecountyca.gov>
Subject: Re: [EXTERNAL] 2290 Soda Bay Road Appeal

Hi, I apologize for my confusion, but when was it agreed that the date would be changed to the 23rd of July? We were told the 16th, and have had that date in our calendar for quite some time. We are not available on the 23rd. Please advise what other dates are available.

Thank you,

Kali Perkins, Esq.
(707) 367-0314

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On Tue, Jun 11, 2024 at 11:48 AM Mireya Turner <Mireya.Turner@lakecountyca.gov> wrote:

> Dear Ms. Perkins,
>
> Thank you for your email regarding the Legendary Farms appeal. Please note, the date of this hearing has been changed to July 23, 2024, at 10:00 a.m.
>
> The time granted for any presentations is decided by the Board Chair. I recommend keeping any presentation to no more than 8-10 minutes.
>
> Other than a PRA request, please refer to the Staff Report considered by the Planning Commission for details considered by the Planning Commission. The staff report for the appeal will be available as soon as the Administrative Office posts the agenda, no later than 72 hours prior to the Board of Supervisors meeting. Please note, there is a 96-hour time limit to submit any documents to have them considered by the BOS. I strongly recommend all appellants submit any materials they wish to have considered by the Board no later than Wednesday, July 10, 2024, in order to be included with my Staff Memorandum and attachments.
>
> Cordially,

Mireya G. Turner, MPA

Director

Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221

Fax: (707) 263-2225

Email: mireya.turner@lakecountyca.gov

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From: Kali Perkins <kali@emeraldlaw.org>
Sent: Thursday, June 6, 2024 1:47 PM
To: Mireya Turner <Mireya.Turner@lakecountyca.gov>
Cc: Julisa Gonzalez <Julisa@emeraldlaw.org>; Rachelle Daniel <Rachelle@emeraldlaw.org>; Hila Fichtelberg <hila@emeraldlaw.org>
Subject: Re: [EXTERNAL] 2290 Soda Bay Road Appeal

Hello Ms. Turner,

I have a few questions about the upcoming appeal hearing on the above referenced matter. I understand it is now set for July 16, 2024. On that date, how long will we have to present our power point? how long will we have to question witnesses? Will we need to issue subpoenas for county workers that we will want to question at the hearing, or can we assume the relevant parties will be present?

We are having a hard time obtaining discovery in this matter. In Ms. Claybon's report it indicates that officers went onto our clients property, however, we have not received any actual evidence of that. The sheriff's department reports they have no evidence of that. Can I assume no discovery exists, or do you or Ms. Claybon or Mr. Amelung have evidence of what occurred on 9/15 with respect to our client and the allegations against him as property owner of 2350 soda bay road? Can you advise what evidence your department will use to attempt to prove that our client is a responsible party? Is there anything beyond the allegation that there were cords running from one property to another? If there is any discovery you have, that you intend to use against our client, Roberto Estrada, please forward it to us at your very earliest opportunity.
Very Truly,

Kali Perkins, Esq.
(707) 367-0314

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On Mon, Nov 13, 2023 at 10:44 AM Mireya Turner <Mireya.Turner@lakecountyca.gov> wrote:

> Good morning Julisa
>
> Thank you for contacting me regarding the scheduling of the appeals. I can understand how packed your calendar must be. I do not have a tentative date yet, but would be happy to reach out to you when it is ready to schedule, to check calendars at that time.
>
> I will make note of your email address in my file for that purpose..
>
> Cordially,

Mireya G. Turner, MPA

Director

Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221

Fax: (707) 263-2225

Email: mireya.turner@lakecountyca.gov

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From: Julisa Gonzalez <Julisa@emeraldlaw.org>

Sent: Thursday, November 9, 2023 10:24 AM
To: Mireya Turner <Mireya.Turner@lakecountyca.gov>; Kali Perkins <kali@emeraldlaw.org>; Rachelle Daniel <Rachelle@emeraldlaw.org>; Hila Fichtelberg <hila@emeraldlaw.org>
Subject: [EXTERNAL] 2290 Soda Bay Road Appeal

Good morning Mireya,

I was wondering if there's any way you could provide me with some insight as to when the appeal of Legendary Farms located at 2290 Soda Bay Rd, will be scheduled. Our office represents Mr. Estrada, and given our busy calendar, we want to make sure that we are available for the date scheduled for the appeal. I know that sometimes dates can change, however, if you have any indication at this time as to when the appeal will be heard by the Board of Supervisors, your insight would be greatly appreciated.

Thank you,

Julisa Gonzalez

Cell: (707) 472-8215

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Ukiah, CA 95482
Tel: (707) 468-8300
Fax:(707) 937-2209

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