

From: Maria Kann mariackann@gmail.com
Subject: Re: [EXTERNAL] Re: PRA Request for Information - APN number 006-004-22, 10535 High Valley Road, Clearlake Oaks, CA 95423



Date: August 28, 2025 at 12:00 AM

To: Jackson Berumen Jackson.Berumen@lakecountyca.gov

Cc: Lake County County Counsel mbx.CountyCounsel@lakecountyca.gov, Eddie Crandell Eddie.Crandell@lakecountyca.gov, Mireya Turner Mireya.Turner@lakecountyca.gov, Julie Cannard Julie.Cannard@lakecountyca.gov, Max Stockton Max.Stockton@lakecountyca.gov, Lloyd Guintivano Lloyd.Guintivano@lakecountyca.gov

Subject: CPRA Request – Deficient Production (Poverty Flats Ranch, PL 25-68 / UP 23-09)

Dear Deputy County Counsel Berumen,

After some reflection on your last email response, specifically the statement “The County has completed your request and has produced all responsive records”, I feel compelled to ask you if you believe a collection of fifty files, mostly random emails and standard project documentation, relating to a four year period of a project that requires CEQA compliance sounds about right to you. I think we both know the answer to that question.

In your prior correspondence, you indicated that the County “will not be producing or creating a privilege log” and cited *Haynie v. Superior Court* (2001) 26 Cal.4th 1061. While I understand CPRA does not require a civil-discovery-style privilege log, Government Code § 7922.540 requires more than what has been provided.

Specifically, if the County withholds responsive records, it must:

1. State the justification for withholding, citing the **specific statutory exemption**; and
2. Identify the **names and titles of each person responsible** for the denial.

At present, the County has neither confirmed whether the missing categories of records exist nor identified any statutory exemptions for withholding them.

Accordingly, I request that the County either:

- Confirm in writing that these records do not exist; **or**
- If records do exist and are being withheld, provide a compliant written response under § 7922.540 identifying the categories of withheld records, the specific exemptions relied upon, and the names/titles of those responsible.

For clarity: I am not asking the County to create a civil-discovery-style privilege log. I am asking only for the information expressly required by statute.

Please provide a compliant response within **five (5) business days**. If the County does not cure these deficiencies, I will be compelled to consider seeking judicial relief under Gov. Code §§ 7923.000 et seq., which provide for expedited review and recovery of attorney’s fees for prevailing requesters.

Thank you for your attention.

Sincerely,

Maria Kann and Associates

On Wed, Aug 27, 2025 at 3:53 PM Jackson Berumen <Jackson.Berumen@lakecountyca.gov> wrote:

On Wed, Aug 27, 2025 at 3:53 PM Jackson Berumen <Jackson.Berumen@lakecountyca.gov> wrote:

Hello Ms. Kann:

I understand you are expecting relevant documentation that supports your appeal PL 25198. Which is why I asked you to narrow your scope, so the county doesn't get bogged down searching for, reviewing, and producing non-relevant documentation. The County continues to work through and process your many PRA requests. Currently, I believe we have completed 14 of the 17 requests you have pending since April 30, 2025.

You stated below that the County has not provided you with a list of documents the County claims is exempt. That is correct and the County will not be producing or creating a "Privilege Log" or exempt list. The PRA does not require that a local agency create a "privilege log" or list that identifies the specific records being withheld. (*Haynie v. Superior Court, supra*, 26 Cal.4th, at p. 1075.) Again, the County will not be producing or creating a privilege log or list of documents withheld.

Regarding your questions about PRA25-134. The County has completed your request and has produced all responsive records. The County will not be reopening your request but will open a new request according to the documents you are asking for below.

Seeing as your previous email and newest PRA is asking for all agricultural uses from 1987 through the present, Section 1 will be incorporated in that request. Its response will come under that PRA request.

Your new request reads as follows:

1. All documents and writings as defined above referencing or relating to Poverty Flats Ranch PL 25-68 UP 23-09 and its Mitigated Negative Declaration IS 23-29 for the time period starting January 1, 2019, to December 31, 2020, and 07/01/2025 – 08/27/2025;
 - a. This is the original terms of your request, PRA-25-134, with a reduced timeline. The County has completed PRA 25-134, which asked for the same records from 2021 to the present. This request was completed on 7/25/25. The County will not be conducting a duplicative search for records, the records from 2021 to the present have been produced.
2. Documentation explaining and supporting Lake County's classification of Grading Permit GR22-12 as a ministerial, over-the-counter permit, including any internal checklists, guidelines, or criteria used under Lake County Code Chapter 30 to determine ministerial grading status;
3. Evidence showing how GR22-12 met those criteria;
4. Any CEQA determination made for GR22-12—
 - a. including categorical exemption details and justification
5. Full correspondence between Lake County and the California Department of Fish and Wildlife (CDFW) regarding GR22-12;
 - a. especially any recommendations or objections concerning the need for a complex grading permit or CEQA review)
6. Any internal staff notes, memos, or emails discussing the scope of grading activities and rationale for issuing GR22-12 as ministerial.

I will reach out to staff and have them begin searching for records. Like your other PRA, the County does not have an estimated date or timeline for production at this time. I will be in contact on or before September 12, 2025, with more information regarding the timeline for production.

Best.

Jackson Berumen

Deputy County Counsel

County of Lake

255 N. Forbes St Lakeport,

CA 95453

jackson.berumen@lakecountyca.gov

707-263-2321 x34102

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From: Maria Kann <mariackann@gmail.com>

Sent: Tuesday, August 26, 2025 9:13 PM

To: Jackson Berumen <Jackson.Berumen@lakecountyca.gov>

Cc: Lake County County Counsel <mbx.CountyCounsel@lakecountyca.gov>; Eddie Crandell <Eddie.Crandell@lakecountyca.gov>; Mireya Turner

<Mireya.Turner@lakecountyca.gov>; Julie Cannard <Julie.Cannard@lakecountyca.gov>; Max Stockton <Max.Stockton@lakecountyca.gov>

Subject: Re: [EXTERNAL] Re: PRA Request for Information - APN number 006-004-22, 10535 High Valley Road, Clearlake Oaks, CA 95423

Hello Mr. Berumen,

Thank you for your reply; my weekend was educational and productive.

Thank you for your reply; my weekend was educational and productive.

It is not my intent to overburden the county with a “needle in the haystack” search - I am asking for and expecting relevant documentation that supports my appeal PL 25-198. The county and applicant have made statements in their project documentation, emails, and public meetings for which I am seeking evidence. It is understandable that it is unreasonable to go back to the “beginning of time”; however, as noted below, documents received thus far suggest an earlier start date to the Poverty Flats project than was previously indicated.

The response to my PRA request PRA 25-134 has been woefully incomplete and has, thus far, been filled with duplicate records; copies of email conversations that have no preface or follow-up emails in the threads; missing attachments; attachments that can't be opened; attachments that lead to a system requiring username and password access (Civic Platform); zero inspection reports with notes documenting specific details/notes requested; zero requested documents supporting statements made by county representatives in planning commission meetings; documents known to be in the possession of the County but still have not been provided; incomplete agency and public comments (many with missing metadata); and records that are completely unrelated to the project; among other things. Further, I have not received any listing of documents that the county claims are exempt. Any exemption to withholding (e.g., for attorney–client privilege, drafts, investigatory records) must be specifically identified by the agency, not claimed in general or abstract terms. This is unacceptable. Moreover, the County's lack of a full, complete and timely response is prejudicial and overly burdensome to me, the appellant, and directly interferes with due process.

I will agree to reduce the scope in the following manner:

1. The applicant and/or staff and/or MND has made the statement in writing or in testimony that the land was historically used for agriculture (hops). The terms of my original public records request dated June 12, 2025 will be fulfilled COMPLETELY with a start date of October 10, 1987 to current date for the following departments:

- A. Agriculture;
- B. Assessor Recorder; and
- C. Tax Collector

2. Again, documents received have shown that the project start was earlier than the original date of my request, hence the necessary revision. The terms of my original public records request dated June 12, 2025 will be fulfilled COMPLETELY with a start date of January 1, 2019 to current date for the following departments:

- A. Administration;
- B. Code Enforcement;
- C. Community Development;
- D. Grading; and
- E. Environmental Health

Please reopen my PRA 25-134 and continue to provide the documents to which I am entitled under the California Public Records Act (CPRA) until after the appeal determination.

Lastly, if for some reason PRA 25-134 fails to include the following information related to grading which multiple community members have requested and not received, please add this to my request:

Documentation explaining and supporting Lake County's classification of Grading Permit GR22-12 as a ministerial, over-the-counter permit, including any internal checklists, guidelines, or criteria used under Lake County Code Chapter 30 to determine ministerial grading status, evidence showing how GR22-12 met those criteria, any CEQA determination made for GR22-12—including categorical exemption details and justification—full correspondence between Lake County and the California Department of Fish and Wildlife (CDFW) regarding GR22-12 (especially any recommendations or objections concerning the

need for a complex grading permit or CEQA review), and any internal staff notes, memos, or emails discussing the scope of grading activities and rationale for issuing GR22-12 as ministerial.

Respectfully,
Maria Kann and Associates

On Mon, Aug 25, 2025 at 3:29 PM Jackson Berumen <Jackson.Berumen@lakecountyca.gov> wrote:

Hello Maria:

I hope you had a good weekend. I appreciate your response to my email regarding your PRA Request for Information regarding APN number 006-004-22, 10535 High Valley Road, Clearlake Oaks, CA 95423. I understand that you would like a search for records to be conducted under the parameters of your original, expanded request. However, I must reiterate that, under the PRA, the right to access public records is not without limits. A local agency is not required to perform a “needle in a haystack” search to locate the record or records sought by the requester. (*Cal. First Amend. Coalition v. Superior Court, supra*, 67 Cal.App.4th at p. 166.) The County would like to produce records to you at a reasonable rate. However, as your request reads, every department in the County must search every single one of their records from 1987 to see if “APN number 006-004-22” or “10535 High Valley Road, Clearlake Oaks, CA 95423” appear. A search at this level is too burdensome on County Staff time, County resources, and would require an expanded timeline for production.

Due to the overbroad and burdensome nature of your request, the County would like to propose a narrower scope, at least by departments. Seeing as your requests are regarding a property number and use permit, are you okay with the County limiting the search by the following departments:

1. Administration;
2. Assessor-Recorder;
3. Auditor-Controller;
4. Code Enforcement; 5. Community Development; and
6. Sheriff.

These six departments would be the departments in the County that would most likely have responsive records to your request. The search will be for records regarding APN number 006-004-22, 10535 High Valley Road, Clearlake Oaks, CA 95423, from 10/10/1987 to the Present.

If this reduced scope is agreeable to you, please let me know and the County will start conducting a search for responsive records.

Sincerely,

Jackson Berumen

Deputy County Counsel

County of Lake

255 N. Forbes St Lakeport, CA 95453

jackson.berumen@lakecountyca.gov

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From: Maria Kann <mariackann@gmail.com>

Sent: Wednesday, August 20, 2025 7:02 PM

To: Jackson Berumen <Jackson.Berumen@lakecountyca.gov>

Cc: Lake County County Counsel <mbx.CountyCounsel@lakecountyca.gov>

Subject: [EXTERNAL] Re: PRA Request for Information - APN number 006-004-22, 10535 High Valley Road, Clearlake Oaks, CA 95423

Good afternoon, Jackson Berumen,

Thank you for your email regarding my PRA.

I don't believe I've received all the email communications between staff and the project applicant and their associates. There are very few emails dating from the time the Poverty Flats project was submitted and relating to review and development of the project. The documents produced are missing almost all of the typical emails 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.

Documents provided to date have shown a much earlier start to the project development than we were aware of. The expanded time frame of my request is necessary to complete the timeline of the project and to produce documents that corroborate statements presented as facts by County staff within the project documentation and at the planning commission meeting of May 22, 2025. Therefore, I respectfully request all documents/data/etc. be supplied under the parameters of my PRA 25-134 request with the expanded time frame.

I appreciate your work to provide a timely response to our request.

Sincerely,

Maria Kann and Associates

On Wed, Aug 20, 2025 at 3:39 PM Jackson Berumen <Jackson.Berumen@lakecountycalifornia.gov> wrote:

Good afternoon, Maria Kann:

The County is in receipt of your Public Records Act ("PRA") Request for all documents related to APN number 006-004-22, 10535 High Valley Road, Clearlake Oaks, CA 95423 from 10/10/1987 to the Present. I am reaching out to request that you narrow the scope of your request due to it being duplicative of prior requests, you narrow the scope of your request due to it being duplicative of prior requests, overbroad, and burdensome on the County, and County Staff.

The County seeks to provide complete responses to PRA requests where possible. Overly broad requests, however, impose financial and other burdens on the County and inhibit it from responding to PRA requests from other requesters in a timely manner, as well as completing its normal functions. Ultimately, where requests are unduly burdensome, the County does not have the resources, and is not required, to respond to such requests. A local agency is not required to perform a "needle in a haystack" search to locate the record or records sought by the requester. (*Cal. First Amend. Coalition v. Superior Court, supra*, 67 Cal.App.4th at p. 166.) Nor is it compelled to undergo a search that will produce a "huge volume" of material in response to the request. (*Ibid.*)

As worded, your request is duplicative of your PRAs from 07/21/2025 and 7/25/2025 and incorporates records already produced under your PRA requests to Community Development from 6/12/2025. In order to provide responsive records, the County asks that you narrow the scope of your request so that the records production process is not unduly burdensome on County resources and may be completed in a timely manner. At this time, the County will take no further action on your PRA until a narrower scope is provided.

Please feel free to contact me with any questions.

I look forward to hearing back from you.

Sincerely,

Jackson Berumen

Deputy County Counsel

County of Lake

255 N. Forbes St Lakeport, CA

95453

jackson.berumen@lakecountyca.gov

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