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7/16/19

Board of Supervisors
Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

RE: Please waive your privilege claims and release the Mintier-Harnish General Plan.

Dear Sirs:

On behalf of myself and the Calaveras Planning Coalition, Pursuant to the California Public Records Act (Gov. Code, sec. 6250, et seq.), I am asking the current Board of Supervisors to waive its claims of privilege, and to provide me a copy of the Mintier-Harnish General Plan or plans delivered to the County sometime between December 2010 and February of 2011.

Apparently, the general plan policy document included nine elements: Land Use; Public Facilities & Services; Natural Resources; Scenic, Recreational, and Cultural Resources; Health and Safety; Economic Development; Water; Transportation & Circulation; and Energy. (Harnish, Memo to Willis, 10/11/11.) Document(s) fitting this description were referred to in a letter from Larry Mintier and Jim Harnish to the Board of Supervisors. (Mintier and Harnish, Letter to BOS of 12/11/12 to BOS, p. 1.) The introduction to the policy document, dated December 2010, was provided with that letter from Mintier and Harnish. (2035 General Plan Introduction.) The Economic Development Element and was released by the Planning Department prior to the December 13, 2011 hearing of the Board of Supervisors. (Willis email, 12-11-11.) Apparently, all the electronic files containing the herein requested documents were provided to the County by Mintier-Harnish prior to the end of their general plan work for the County. (See Harnish letter to Willis, 12/8/11.) This should be enough detail to reasonably describe the identifiable record(s) we seek. (Gov. Code, sec. 6253 subd. (b).) If the only copy of the record is currently in the possession of one of the County's past or current general plan consultants, please have them send a copy to me.

I realize that there will be a charge for the reasonable costs of reproducing this document, and I am prepared to pay that reasonable charge. If you would prefer not to spend valuable staff time on the reproduction of the document, I would be happy to bring in a portable copy/scanning machine and copy the document. If you have the document in a commonly readable and printable electronic format, I would prefer a copy of the document in that format. (Gov. Code, sec. 6253.9.)

As required by the Public Records Act, I expect your response within 10 days, unless you indicate a valid reason that you need an extension of up to 14 days. (Gov. Code, sec. 6253, subd. (c).)

As you know, in the past my requests for this document have been denied by the County, under the rule of a very different Board of Supervisors. Those denials were based upon the draft document privilege and the deliberative process privilege. **As the Board of Supervisors, you have the power and authority to waive those privileges and to release the document.**

Releasing the document has many benefits to the County and the public. First, by making the document part of the public administrative record, the County can prove the Planning Director's claim that the 2019 Draft General Plan is merely an evolution of the Mintier-Harnish General Plan, and not a complete departure from it.

Second, by making the document part of the public administrative record, the County can prove the claim in the General Plan Final Environmental Impact Report (FEIR) that the Mintier-Harnish General Plan was not sufficiently viable to serve as an alternative in the FEIR.

Third, by making the document part of the public administrative record, the County can prove its claim that there are no other feasible mitigation measures to reduce the significant impacts of the General Plan Update.

Fourth, by making the document public, the County can prove that it made a wise choice in seeking additional assistance in completing the General Plan Update.

Fifth, by making the document public, the Supervisors can use its contents to improve the General Plan Update.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information. Please indicate briefly, in writing, the reason the document has not been provided. (Gov. Code, sec. 6255.) Please indicate the names and positions of each person responsible for denying the request for the record. If only parts of the requested record are exempt from disclosure, please provide "Any reasonably segregable portion" of the record "after deletion of the portions which are exempted by law." (Gov. Code, sec. 6253, subd. (a).)

Sincerely,



Thomas P. Infusino, Facilitator
Calaveras Planning Coalition