

9-27-22

Dear Director Elliot:

Zerrall McDaniel from CAP/CPC indicated to me that she ran into you at a recent public meeting. In reference to the CPC and the general plan you asked her, “What do you want?” or something to that effect. She responded that the CPC wants the County to follow the law. She offered to set up a Zoom meeting for us to discuss the matter.

Unfortunately, there are at least two ways I cannot answer your question. Fortunately, there is at least one way that I can.

First, as indicated in the string of emails below, Deputy County Counsel has asked the CPC not to meet with County staff to discuss the general plan. It may be professionally prudent for Deputy County Counsel to want to attend any such meeting to ensure that conversations do not prejudice the County’s position in the general plan litigation. Unfortunately, apparently there are other more pressing matters that preclude the Deputy County Counsel from attending such a meeting. I hope that those circumstances change in the future. In the mean time we can communicate through “normal public comment channels.”

Second, if by “What do you want?” you mean what has the CPC asked for in settlement negotiation, then again, I cannot help you. The Board of Supervisors, as advised by County Counsel’s Office and their general plan litigation team from Remy, Moose & Manley, determines which County staff they consult when it comes to confidential general plan litigation settlement negotiations. I sincerely hope that the Board and County Counsel do include you in any future discussions related to settlement negotiations. As the Director of the Planning Department, it is very likely that much of the workload for implementing any general plan settlement agreement would become your responsibility. You would be in the best position to advise the Board regarding the staffing and funding needs to implement any settlement agreement.

Third, if by “What do you want?” you would like to know what the CPC has publicly asked of the County regarding the general plan prior to your arrival, then I can point you in the direction of public record communications from the CPC to the Board of Supervisors over the last three years that reflect those requests.

Prior to the Board of Supervisor’s hearings on the 2019 General Plan Update (GPU), the CPC sent in requests. We asked for changes to the General Plan Update text. (Attachment 1.) We asked for a copy of the 2011 Mintier Draft General Plan. (Attachment 2.) We asked for corrections in the GPU Environmental Impact Report, the CEQA findings, and the Mitigation Monitoring Report. (Attachments 3.1 – 3.4) We asked that implementation of the 2019 GPU be funded and staffed. (Attachment 4)

The Petition for Writ of Mandate asked for the same things. (Attachment 5) This is a very lengthy document. Your time may be better spent reviewing the shorter documents provided.

In the early parts of 2020, 2021, and 2022, the Board of Supervisors held its annual meetings to identify general plan implementation priorities. In each of those years, the CPC submitted comments. (Attachments 6, 7, and 8.)

I hope that you can discern from these documents the answer to your question. If (God help you) you wish to review the prior 13-years of CPC submissions to the County during the general plan update process you can review the most pertinent ones at the CAP/CPC website:

<http://calaverascap.com/planning-documents/testimony-comments-opinions/> .

If you feel the need to reply to this email, please do so by email and include Deputy County Counsel Julie Moss-Lewis among the recipients of your reply.

Thank you for your inquiry and your ongoing efforts to implement the 2019 GPU. The CPC will continue to be as supportive as it can under the circumstances. When it comes to one planning decision made by the Board of Supervisors three years ago, the County and the CPC are adversaries. When it comes to all the planning decisions to be made by the County in the future, we hope we can again be allies.

Sincerely,

Tom Infusino, Facilitator

Calaveras Planning Coalition

cc. Julie Moss-Lewis, Sarah Edwards, Chris Stiles

#### **Attachments**

**From:** Julie Moss-Lewis <[jmoss-lewis@co.calaveras.ca.us](mailto:jmoss-lewis@co.calaveras.ca.us)>

**Sent:** Tuesday, September 20, 2022 3:45 PM

**To:** 'Tom' <[tomi@volcano.net](mailto:tomi@volcano.net)>

**Subject:** RE: Economic Development through General Plan Implementation

Hi Tom. Thank you for your materials. I've discussed your request for a meeting with other staff and, given that you are the attorney for the CPC in existing General Plan litigation against the County, we believe it would be imprudent to have meetings with you about matters touching on the General Plan or its implementation until that litigation has been resolved. We remain, as always, open to reasonable settlement proposals.

Sincerely:

Julie Moss-Lewis

Deputy County Counsel

**From:** Tom Infusino <[tomi@volcano.net](mailto:tomi@volcano.net)>  
**Sent:** Tuesday, September 20, 2022 3:51 PM  
**To:** Julie Moss-Lewis <[jmoss-lewis@co.calaveras.ca.us](mailto:jmoss-lewis@co.calaveras.ca.us)>  
**Subject:** RE: Economic Development through General Plan Implementation

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Hi Julie,

Does this restriction apply to any member of the CPC as well or just to me.

Tom Infusino

Hi Tom. The members of the CPC, yourself included, are always welcome to share your thoughts and recommendations on General Plan implementation or other County matters through the normal public comment channels. While communicating with you was the primary concern, given the fact that the CPC is currently in active litigation against the county, I'm not sure it is either prudent or productive at the moment for staff to converse with CPC members about General Plan related matters except as necessary to resolve the differences between us in the litigation...particularly without counsel in the room. If things change on this front, I will let you know.

Julie Moss-Lewis

Deputy County Counsel

209-754-6314