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8 Attorneys for Petitioner/Plaintiff
9 Friends of Chanate

ENDORSED
FILED

DEC 12 2017

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

FRIENDS OF CHANATE,

Plaintiff,

and

COUNTY OF SONOMA,

Defendant,

CHANATE COMMUNITY DEVELOPMENT
PARTNERS, LLC,

Real Party in Interest.

Petitioner and

Respondent and

CASE NO. SCV 261103

DECLARATION OF JAMES J. BARNES IN
SUPPORT OF MOTION TO SET
REASONABLE COST OF PREPARING
ADMINISTRATIVE RECORD

FEB 07 2018

Date:
Time: 8:00
Dept: 18

Complaint Filed: August 9, 2017
Trial Date: None

I James J. Barnes, declare:

1. I am over 18 years of age. I have personal knowledge of the matter set forth herein, and if called to testify as a witness, I could competently testify to the matters set forth herein.

2. I am a founding member of Friends of Chanate. Friends of Chanate is an unincorporated grassroots organization of individuals who either live and work on or near Chanate Road in Santa Rosa California or on own property on or near Chanate Road in Santa Rosa California.

3. I have made a significant effort to obtain and review documents from the County of Sonoma regarding the Chanate project which is the subject of the lawsuit filed by Petitioner/Plaintiff Friends of

1 Chanate herein. Over the past several months, I have requested the following categories of documents
2 from the County:

3 4. On June 16, 2017 and again on June 19, 2017, I delivered to the County two letters
4 requesting information. Later in the day on June 19, 2017, I received an email response from Ms.
5 Culver to my email of that same date acknowledging receipt of my email and letters and advising me
6 that County Counsel had a copy of both letters and had determined that my letter constituted a Public
7 Records Act request and that they would respond to me within 10 days

8 5. On June 21, 2017, I sent Supervisor Zane an email requesting a meeting with her to discuss
9 the Chanate project with me.

10 6. On June 22, 2017 I hand delivered another letter to the Board of Supervisors.

11 7. On several occasions I was told by both the General Services department and County
12 Counsel that the County has several files regarding the Chanate project. Toni of the General Services
13 Department told me that she did not know which departments maintained files and they would have to
14 look into which departments had files. On June 23, 2017, I presented myself at the office of the Board
15 of Supervisors and requested that I be allowed to inspect the public records of the Board of Supervisors
16 and the County pertaining to the Chanate Campus Project. I spoke with one of Supervisor Zane's
17 assistants, who informed me that they would not discuss the matter with me and I would have to present
18 any request for information through County Counsel. I went across the hall to the office of the County
19 Counsel and spoke to assist in County Counsel Michael King. I demanded that I be allowed to view the
20 public record pertaining to the Chanate Project. I had researched the California Public Records Act and
21 I had a copy of the pertinent code sections with me. I believe I had a copy of Government Code section
22 6253, which reads, in part: "(a) Public records are open to inspection at all times during the office hours
23 of the state or local agency and every person has a right to inspect any public record, except as hereafter
24 provided..."

25 8. I informed Mr. King I wanted to inspect the County Counsel records pertaining to the
26 Chanate project. I discussed the provisions of the Government Code that requires records be available
27 to the public at any time. Mr. King, and later Mr. Pittman (also of County Counsel's Office), informed
28 me that the records were not available for immediate inspection. I was very clear that I did not want

1 copies of the records, what I wanted was to look at the file so I could determine what documents I
2 wanted to copy. I told Mr. King and Mr. Pittman that the Public Records Act allows the public was to
3 be able to simply view public records at any time. I was told I was not going to be viewing any public
4 records and that they would have to assemble them for me. They asked me what specific documents I
5 wanted, and I said I wanted to review the County's file as I believe Government Code section 6253
6 allows. I specifically told him that it was virtually impossible to guess what documents I would want
7 without having seen the file. At their request, I did list a number of specific items that I wanted,
8 including all the correspondence between the Board of Supervisors and the Gallagher group. Mr. King
9 took notes of the specific documents I was capable of listing without having viewed the file.

10 9. On June 29, 2017 I received an email from Assistant County Counsel Pittman in response to
11 my request that I be allowed to view the County file on the Chanate Project. Mr. Pittman informed me
12 that he had unilaterally converted my request to view the files to a request for copies of documents and
13 provided me with a handful of documents. Mr. Pittman did not however allow me access to the County
14 file on the Chanate Project.

15 10. On July 6, 2017, I again transmitted an email to Assistant County Counsel Pittman
16 requesting that I have access to view the County file on the Chanate Project.

17 11. On July 7, 2017 I received an email from Assistant County Counsel Pittman that included
18 two attached traffic surveys ostensibly pertaining to the Chanate Project. Mr. Pitman's email notes that
19 "These are the only traffic evaluations the General Services staff have uncovered."

20 12. On August 15, 2017, I attended the Board of Supervisors meeting and addressed the Board
21 during the "public comment" portion of the meeting. At the meeting I requested numerous documents
22 from the Board of Supervisors and the county. Supervisor Zane responded that she would have County
23 Counsel respond to my requests.

24 13. On August 22, 2017, I again attended a Board of Supervisors meeting and addressed the
25 Board during the "public comment" portion of the meeting. At the meeting I again requested numerous
26 documents from the Board of Supervisors and the county. Supervisor Zane once again responded that
27 she would have County Counsel respond to my requests.

1 14. On August 24, 2017 I submitted a Public Records Act request to Toni Holland via email for
2 a specific document.

3 15. On August 29, 2017 I submitted a Public Records Act request that included the following:
4 "1. I am again asking to inspect any and all documents pertaining to the decision to reduce the
5 minimum sales price of the Chanate campus land sale from a minimum of \$15 million to a minimum of
6 \$6 million. I want to see all documents pertaining to the change in the sales price including, but not
7 limited to, all correspondence, Board notes, Board resolutions, Board directions to any other person or
8 entity in any way regarding the change in sales price, etc." The email included the subject line: "**Just**
9 **to be clear, this is a Public Records Act request.**" (Emphasis original.) The email was sent to Mr.
10 Pittman and Toni Holland, although Mr. Pittman apparently did not receive the email at that time.

11 16. On November 28, 2017, County Counsel emailed my attorney, finally producing 137 pages
12 of documents in response to my Public Record Act requests.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing is
14 true and correct and that I have personal knowledge of each fact stated in this declaration, except for
15 those items for which I stated herein under information and belief, and as to those items I believe them
16 to be true.

17 Dated: December ____, 2017

signature via facsimile, attached
James J. Barnes

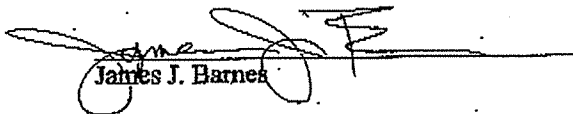
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14 true and correct and that I have personal knowledge of each fact stated in this declaration, except for
15 those items for which I stated herein under information and belief, and as to those items I believe them
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17 Dated: December 12, 2017


James J. Barnes

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