



HUMBOLDT COALITION FOR PROPERTY RIGHTS

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Kirk Girard
Director, Humboldt County Community Development Services Department
3015 H Street
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August 4, 2011

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Re: Public Records Act Request

Dear Mr. Girard:

Please provide to the undersigned the following records in your possession:

1. A list of all Humboldt County land parcels considered "shaded parcels" by your Planning Division, including APN, owner's name, owner's address (and phone number, if available), current General Plan designation and zoning
2. A list of all parcels whose owners have been notified by your department that their parcels are on your "shaded parcel" list.

Please be advised that:

A. This is a request made under the California Public Records Act. [Government Code 6250-6277].

B. By law you have 10 calendar days in which to respond to this request. [Government Code 6253(c)].

C. The Public Records Act mandates that public records be open to inspection and that every person has a right to inspect any public record unless the record is specifically exempt from disclosure. Unless exempt, upon a request for a copy of records that "reasonably describes an identifiable record or records" you are required to make the records promptly available to any person upon payment of fees covering costs of duplication. [Government Code 6253].

1

D. CALIFORNIA CONSTITUTION ARTICLE 1, DECLARATION OF RIGHTS SEC. 3 provides that:

- (a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.
- (b) (1) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

(Adopted as a part of Proposition 59, which was overwhelmingly approved by 83% of the voters on November 2, 2004.)

E. In the event that there is any uncertainty as to the identity of any record sought, you are affirmatively required to assist the requesting party in better defining the request so that the records can be located and made available. [Government Code 6253.1].

F. You are required to justify in writing the withholding of any record. [Government Code 6253]. The burden of establishing an exemption is on the public agency. [*Vallejos v. California Highway Patrol*, 89 CA3d 781, 787 (1979)].

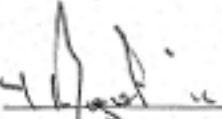
G. The Public Records Act does not limit access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure. [Government Code 6257.5].


H. Agencies are not permitted to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records shall set forth the names and titles or positions of each person responsible for the denial. [Government Code 6253(d)].

I. If a reasonably segregable portion of a record is exempt by law from production, that portion shall be deleted and the balance of the record shall be provided for inspection. [Government Code 6253(a)].

J. The legislative policy behind the Public Records Act favours disclosure. [*Berkeley Police Assn. v. City of Berkeley*, 76 CA3d 931, 941 (1977)].

K. Authorized fees will be paid to you on delivery, pursuant to an itemized invoice.

Dated: 

Signed: 

Cc: Supervisors Jimmy Smith, Clif Clendenen, Mark Lovelace, Virginia Bass and Ryan Sundberg

2