

Battaile & Hargrave, L.L.P.
Attorneys at Law

404 Mendocino Avenue
Santa Rosa, California 95401

(707) 528-3975
Fax (707) 528-3976

August 8, 2003

Honorable Ed Robey, Supervisor
County of Lake, District 1
Board of Supervisors
255 North Forbes Street
Lakeport, California 95453

Re: California Public Records Act Request (Gov. Code § 6250 et seq.)
Concerning Use of AB 1905 Funds

Dear Mr. Robey:

This firm serves as lead counsel to the Anderson Springs Community Alliance ("ASCA"). I have been asked by the Board of Directors of ASCA to advise ASCA on the requirements for the proper use of AB 1905 funds as codified in Public Resources Code section 3800 et seq.

I assume that you are aware of the requirement of Public Resources Code section 3822 that counties of origin may only spend AB 1905 funds for the purposes specified in Section 3823. Section 3823 requires that revenues disbursed to counties of origin pursuant to Section 3821 and grants or loans made to local jurisdictions or private entities pursuant to Section 3822 will be expended by the recipient for the following purposes:

- (a) Undertaking research and development projects relating to geothermal resource assessment and exploration, and direct-use and electric generation technology.
- (b) Local and regional planning and policy development and implementation necessary for compliance with programs required by local, state, or federal laws and regulations.
- (c) Identification of feasible measures that will mitigate the adverse impacts of the development of geothermal resources and the adoption of ordinances, regulations, and guidelines to implement those measures.
- (d) Collecting baseline data and conducting environmental monitoring.

(e) Preparation or revision of geothermal resource elements, or geothermal components of energy elements, for inclusion in the local general plan, zoning and other ordinances, and related planning and environmental documents.

(f) Administrative costs incurred by the local jurisdiction that are attributable to the development or production of geothermal resources.

(g) Monitoring and inspecting geothermal facilities and related activities to assure compliance with applicable laws, regulations, and ordinances.

(h) Identifying, researching, and implementing feasible measures that will mitigate the adverse impacts of that development or production.

(i) Planning, constructing, providing, operating, and maintaining those public services and facilities that are necessitated by and result from the development or production.

(j) Undertaking projects demonstrating the technical and economic feasibility of geothermal direct heat and electrical generation applications.

(k) Undertaking projects for the enhancement, restoration, or preservation of natural resources, including, but not limited to, water development, water quality improvement, fisheries enhancement, and park and recreation facilities and areas.

(Pub. Res. Code § 3823.)

In addition, Section 3824.5, requires that no expenditures be made for purposes unrelated to geothermal development until there is “. . . no new geothermal development and substantial planning, maintenance, and environmental mitigation of geothermal development have been achieved.” (Pub. Res. Code § 3824.5.)

In order for our firm to analyze Lake County's use of AB 1905 funds, I respectfully request the following documents pursuant to California Public Records Act section 6250 et seq.:

- (1) A total of all revenues disbursed to Lake County from the State Controller pursuant to Section 3821 for each fiscal year, including this current fiscal year, since 1980, the date of the bill's enactment.
- (2) All AB 1905 Spending Plans, including all Proposed AB 1905 Spending Plans, for this current fiscal year and the last six (6) fiscal years, including all attachments.

- (3) All staff reports, agenda items and summary reports prepared for the AB 1905 Spending Plans and AB 1905 Proposed Spending Plans for this current fiscal year and the last six (6) fiscal years, including all attachments.
- (4) All resolutions, ordinances and/or policies approved or unapproved by the Board of Supervisors related to AB 1905 Spending Plans and Proposed AB 1905 Spending Plans for this current fiscal year and the last six (6) fiscal years.
- (5) All general accountings of total AB 1905 revenues received by Lake County for this current fiscal year and the last six (6) fiscal years.
- (6) All detailed accountings of how AB 1905 revenues have been spent for this current fiscal year and the last six (6) fiscal years.
- (7) All staff reports, internal memoranda, resolutions, ordinances and/or policies prepared on the use of AB 1905 funds for each expense referenced in the AB 1905 Spending Plans and Proposed AB 1905 Spending Plans for this current fiscal year and the last six (6) fiscal years.
- (8) All staff reports, internal memoranda, resolutions, ordinances and/or policies prepared which determine that no new geothermal development has occurred.
- (9) All staff reports, internal memoranda, resolutions, ordinances and/or policies that determine or provide evidence that substantial planning, maintenance, and environmental mitigation of geothermal development have been achieved.
- (10) All staff reports, internal memoranda, resolutions, ordinances and/or policies that reference the use of AB 1905 funds for purposes unrelated to geothermal development.
- (11) All documents related to any transfer of AB 1905 funds into accounts, including transfers into accounts for uses unrelated to geothermal development.

Thank you in advance for your professional courtesy and compliance with the California Public Records Act section 6253's requirement that upon a request for a copy of records a public agency will ". . . within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor."

The ASCA will be pleased to arrange a time to come onsite and copy the above-requested documents or provide the payment needed for copy charges. Please do not hesitate to contact me at (707) 528-3975 if you should have questions concerning the descriptions of requested documents.

Sincerely,



Allison Hargrave, Lead Counsel for the
Anderson Springs Community Alliance

cc: Jeffrey D. Gospe, President, Anderson Springs Community Alliance
Meriel Medrano, Vice President, Anderson Springs Community Alliance
Joan Clay, Community Liaison, Anderson Springs Community Alliance
Gary Lewis, Chairman, Board of Supervisors and Supervisor, County of Lake, District 3
Jeff Smith, Supervisor, County of Lake, District 2
Anthony Farrington, Supervisor, County of Lake, District 4
Rob Brown, Supervisor, County of Lake, District 5
Cameron Reeves, County Counsel, County of Lake
Kelly F. Cox, Administrative Officer, County of Lake
David Henderson, Chairman, Anderson Springs Community Service District
Robert Marelli, President, Anderson Springs Homeowners Association
Hamilton Hess, Vice-Chair, Friends of Cobb Mountain