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Attorneys for Petitioner

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

DEC 09 2015

BY JESSICA JOANIS  
JESSICA JOANIS, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO

KRAUSE, KALFAYAN, BENINK &  
SLAVENS, LLP, a California limited liability  
partnership,

Petitioner and Plaintiff,

v.

LA VONDA M-PEARSON, an individual, in  
her official capacity as Town Clerk of the  
Town of Apple Valley; TOWN OF APPLE  
VALLEY, a general law city; and DOES 1-  
10,

Respondents and Defendants.

Case No.:

0170581517000

**VERIFIED PETITION FOR WRIT OF  
MANDATE TO ORDER COMPLIANCE  
WITH CALIFORNIA PUBLIC RECORDS  
ACT; COMPLAINT FOR  
DECLARATORY RELIEF**

Petitioner and Plaintiff Krause Kalfayan Benink & Slavens, LLP ("Petitioner") alleges as follows:

**INTRODUCTION**

1. Petitioner brings this action to compel La Vonda M-Pearson and the Town of Apple Valley ("Respondents") to fully comply with Petitioner's California Public Records Act request made on August 20, 2015. To date, the Respondents have produced some, but not all of the requested records and have withheld some records without a legal basis to do so. They have also

1 refused to identify the date on which all records will be produced and have produced patently non-  
2 responsive records in order to feign compliance.

### 3 **PARTIES**

#### 4 **A. Petitioner/Plaintiff**

5 2. Petitioner and Plaintiff Krause Kalfayan Benink & Slavens, LLP is a law firm that  
6 operates as a California limited liability partnership. It is a “member of the public” and a “person”  
7 within the meaning of Government Code section 6252 subdivisions (b) and (c). Petitioner  
8 represents ratepayers and taxpayers in matters involving utility fees and charges. Under Proposition  
9 218 (passed in 1996), local governments may not charge ratepayers more than the cost of providing  
10 property-related services, such as water service, wastewater (sewer) service, and refuse (solid  
11 waste) collection service. Petitioner often investigates local agency’s compliance with Prop. 218  
12 on behalf of clients through requests made pursuant to the California Public Records Act (“CPRA”)  
13 (Gov. Code §§ 6250 – 6276.48.)

#### 14 **B. Respondents/Defendants**

15 3. Respondent La Vonda M-Pearson (“Pearson”) is the Town Clerk for the Town of  
16 Apple Valley. She is responsible for complying with document requests made by the public to the  
17 Town of Apple Valley pursuant to the CPRA. She is sued in her official capacity.

18 4. Respondent Town of Apple Valley (“Town”) is a municipal corporation and general  
19 law city located in the County of San Bernardino, California. It is a local agency as defined by  
20 Government Code section 6252 subdivision (a).

21 5. Petitioner is unaware of the true names and capacities of Respondents/Defendants  
22 sued as DOES 1 through 10, and therefore sues them by such fictitious names. Petitioner is  
23 informed and believes and thereon alleges, that each DOE Respondent/Defendant is responsible for  
24 the acts, violations and injuries alleged herein. Petitioner will amend this petition and complaint to  
25 allege the true names and capacities of the DOE Respondents/Defendants when their identities are  
26 ascertained.

27 ///

6. Petitioner is informed and believes and thereon alleges, that at all times, each of DOE Respondents/Defendants the agent, employee, representative, partner, joint venturer, and/or alter ego of each other Respondent/Defendant and, in doing the things alleged herein, was acting within the course and scope of such agency, employment and representation on behalf of such partnership or joint venture, and/or as such alter ego, with the authority, permission, consent, and/or ratification of each other Respondent/Defendant.

## JURISDICTION AND VENUE

7. This Court has jurisdiction under Government Code sections 6258 and 6259, Code of Civil Procedure sections 1060 and 1085, and Article VI, section 10 of the California Constitution. The records at issue are located in the County of San Bernardino.

## GENERAL ALLEGATIONS

8. On or about August 20, 2015, Petitioner transmitted to the Town, a letter requesting that the Town provide documents responsive to 24 categories of requests pursuant to the CPRA. The August 20, 2015 letter (“CPRA Request”)<sup>1</sup> primarily sought documents pertaining to the Town’s wastewater and solid waste collection services. Attached to the Petition as **Exhibit A** is a true and correct copy of the CPRA Request.

9. The documents sought were “public records” as defined by Government Code section 6252 subdivision (e). Most of the categories in the CPRA Request were straightforward and discrete. For example, two categories sought “Proposition 218 Notices” that the Town had previously published or mailed. Other categories sought ordinances, resolutions, Town council minutes and meeting agendas related to sewer and solid waste fees. Another category requested contracts with the Town’s waste hauler, Burrtec. One asked for a job description of the Parks and Recreation Manager. Others sought expenditure reports in specifically-identified accounts. Four of the 24 requests were potentially more complex in that they sought documents “that the Town relied upon” with respect to specific actions it had taken. Most of the requests were limited to the period January 1, 2013 through present.

<sup>1</sup> The Town contends that it received the letter on August 21, 2015.

1           10.     On August 24, 2015, the Town sent a letter to Petitioner invoking its right under  
2 Government Code section 6253 subdivision (c) to extend its time to respond to the CPRA Request  
3 for up to 14 days. It contended that the “voluminous amount of documents” created “unusual  
4 circumstances.” Attached hereto as **Exhibit B** is a true and correct copy of the letter.

5           11.     On September 14, 2015, the Town transmitted a letter to Petitioner that stated:

6                 We are still in the process of reviewing all of the records responsive to your request  
7 and plan to make the responsive records available for your review in sets beginning  
8 September 17, 2015.

9 This letter violated Government Code section 6253 subdivision (b) because it did not “state the  
10 estimated date and time when the records will be made available.” The date of the production of  
11 the first set of documents is not the same as the date when *all* records sought will be made available,  
12 which is what section 6253 subdivision (b) contemplates. The letter did not enclose documents,  
13 but stated that “[i]n the initial set of responsive documents, you will find records, which have been  
14 numbered in accordance with your original request” and referenced categories 1-4, 7-10, and 21.  
15 The letter also explained that the Town was withholding documents that contained attorney-client  
16 communications and documents and information protected by the attorney work product privilege.  
17 Attached hereto as **Exhibit C** is a true and correct copy of the letter.

18           12.     On September 21, 2015, the Town transmitted a letter to Petitioner together with  
19 503 hard copy pages of documents that it contended were responsive to categories 1-4, 7-10 & 21.  
20 The letter stated:

21                 While we had hoped to complete our review and assembly of records for release to  
22 you on or before September 14, 2015, we do need a little more time. Please be  
23 assured that we are now in the final stages of examining and preparing records,  
which are responsive to your request.

24 Attached hereto as **Exhibit D** is a true and correct copy of the September 21, 2015 letter.

25           13.     The September 21, 2015 letter also enclosed a billing statement for \$110.20 which  
26 represented the cost of copies and postage. KKBS sent payment on the invoice on September 29,  
27 2015.

28           ///



1           14.     On October 7, 2015, the Town transmitted a letter to Petitioner together with 178  
2 pages of hard documents that it contended were responsive to categories 18, 19, 20, 22, 23 and 24.  
3 The letter advised that the Town was withholding documents that contained attorney-client  
4 communications and documents and information protected by the attorney work product privilege.  
5 Attached hereto as **Exhibit E** is a true and correct copy of the October 7, 2015 letter.

6           15.     The October 7, 2015 letter also enclosed a billing statement for \$43.14 which  
7 represented the costs of copies and postage. KKBS sent payment on the invoice on October 9, 2015.

8           16.     On October 20, 2015, the Town transmitted a letter to Petitioner that stated:

9                 We are still in the process of reviewing all of the records responsive to your request  
10                 and will be able to make a disk of electronic records to you on Thursday, October  
11                 22, 2015. Prior to the release of the electronic records on disk, the Town will need  
                   payment in the amount of \$7.42.

12           The October 20, 2015 letter also advised that the Town was withholding documents that contained  
13 attorney-client communications and documents and information protected by the attorney work  
14 product privilege. The letter did not enclose any records, but instead included an invoice for \$7.42  
15 for “electronic records and Emails” and “postage.” Attached hereto as **Exhibit F** is a true and  
16 correct copy of the October 20, 2015 letter. Petitioner overnighted the payment on the invoice to  
17 the Town on October 20, 2015.

18           17.     On October 22, 2015, the Town transmitted a letter to Petitioner together with a CD-  
19 ROM containing approximately 75 documents consisting of 261 pages. The letter did not specify  
20 the categories the documents allegedly responded to. In fact, most of the documents on the CD-  
21 ROM had no discernible relevance to the categories requested. For example, it included an e-mail  
22 discussing who had signed up for a “2014 ANNUAL COLLECTIONS WORKSHOP” which  
23 apparently included a field trip to a regional wastewater treatment center. Another e-mail discussed  
24 the delivery of organizational chart changes. One was a manufacturer’s brochure for a sewer pipe.  
25 Attached hereto as **Exhibit G** are some of the documents contained on the CD-ROM. The letter  
26 stated:

27                 ///

28                 ///

1 While we had hoped to complete our review and assembly of records for release to  
2 you on or before September 14, 2015, we do need a little more time. Please be  
3 assured that we are now in the final stages of examining and preparing records,  
4 which are responsive to your request.

5 Attached hereto as **Exhibit H** is a true and correct copy of the letter.

6 18. On November 4, 2015, after no further response had been forthcoming, Petitioner  
7 transmitted a letter to the Town to ascertain the Town's intentions as to the remaining documents  
8 and the timing of their production. It requested, *inter alia*, that the Town advise as to a firm date  
9 on which all non-privileged documents would be produced. Attached hereto as **Exhibit I** is a  
10 true and correct copy of the letter.

11 19. Petitioner did not receive any communication responding to the November 4, 2015  
12 from the Town during the next two weeks. On November 19, 2015, Petitioner sent a letter to the  
13 Town advising that unless it received a satisfactory response by close of business November 20,  
14 2015, Petitioner intended to initiate litigation to enforce its rights. Attached hereto as **Exhibit J** is  
15 a true and correct copy of the letter. On November 20, 2015, the law firm of Best, Best & Krieger,  
16 LLP sent a letter on behalf of the Town to Petitioner. The letter stated that the Town would not  
17 provide a firm date when all documents would be delivered. Attached hereto as **Exhibit K** is a true  
18 and correct copy of the letter.

19 20. On November 16, 2015, the Town transmitted a letter to Petitioner (postmarked  
20 November 17, 2015) that stated: "[i]n the next batch of responsive documents, you will find  
21 electronic records, which we believe respond to one or more of your itemized requests [11, 12, 16,  
22 17, 21, 22 and 23.]" Attached hereto as **Exhibit L** is a true and correct copy of the letter. The  
23 letter did not include any records, but instead included an invoice for \$7.42 for "electronic records  
24 & emails" and for "postage." Petitioner overnighted payment on November 19, 2015, which the  
25 Town received on November 23, 2015.

26 21. On November 30, 2015, one week after the Town received payment, the Town  
27 transmitted two letters (by mail) and a CD-ROM containing 21 documents consisting of 158 pages.  
28 The first letter stated:

///

1 While we had hoped to complete our review and assembly of records for release to  
2 you on or before September 14, 2015, we do need a little more time. Please be  
3 assured that we are now in the final stages of examining and preparing records,  
4 which are responsive to your request. To that end, the Town is providing you with  
5 our additional records responsive to your request. We will forward you the balance  
6 of responsive records upon final review.

7 Attached hereto as **Exhibit M** is a true and correct copy of the first letter. Many of the documents  
8 on the CD-ROM had no discernible relevance to the categories requested. For example, one of the  
9 documents was a June 23, 2015 staff memo regarding the purchase of a new mower for the Town's  
10 golf course. Another was a staff memo that discussed the sale of Town property to a third party.

11 22. The second November 30<sup>th</sup> letter stated that "in the next batch of responsive  
12 documents, you will find electronic records, which we believe respond to one or more of your  
13 itemized requests [11, 12, 16, 17, 21, 22 and 23.]" Attached hereto as **Exhibit N** is a true and  
14 correct copy of the letter. Enclosed was an invoice for \$7.42 for "electronic records and emails"  
15 and "postage." Petitioner overnighted payment on December 4, 2015. As of the date this Petition  
16 was filed, the Petitioner had not received any further documents.

17 23. The Town has intentionally delayed the production of responsive documents and  
18 has produced non-responsive documents to feign compliance with the CPRA. The Town has no  
19 legal justification for the three and a half month delay and the Town's explanation that the  
20 responsive records were "voluminous" is not true. To date, the Town has not produced any  
21 communications regarding the Town's waste management franchise fees (which the Town  
22 increased from 6% to 18% in 2014.) (Category No. 11.) It has not produced any communications  
23 regarding the proposed modification of the agreement with Burrtec (its waste hauler) from January  
24 1, 2013 through present. (Category No. 12.) It has not produced any invoices or evidence of  
25 payments to Burrtec from January 1, 2013 through present. (Category No. 13.)

26 24. Upon information and belief, Petitioner alleges that M-Pearson has not made a  
27 sufficient investigation into the location of hard copy and electronic documents that are responsive  
28 to the categories of documents requested. Upon information and belief, Petitioner alleges that  
Respondents have improperly withheld documents on the grounds that they are privileged when in  
fact they are not privileged. This allegation is based, in part, on the fact that these privileges were

1 asserted in the September 14, 2015 letter which stated that the Town would be providing records  
2 responsive to categories 1-4, 7 – 10, and 21. None of these categories (e.g. Proposition 218 notices,  
3 Ordinances, Job Description) should ever include privileged materials and thus, the Town's  
4 assertion of these privileges in connection these nine categories of documents reflects its haphazard  
5 and arbitrary assertion of an exemption. Furthermore, all the letters the Town transmitted to  
6 Petitioner have been undersigned by M-Pearson. The letters explain that M-Pearson was the person  
7 responsible for the Town's denial of the request pursuant to the attorney-client and attorney work  
8 product privileges. M-Pearson is not an attorney and cannot properly ascertain whether certain  
9 documents are privileged under the California Evidence Code and applicable case law.

#### 10 **THE CALIFORNIA PUBLIC RECORDS ACT**

11 25. Under California law, "access to information concerning the conduct of the people's  
12 business is a fundamental and necessary right." (Gov't Code § 6250; see also Cal. Const. art. 1, §  
13 3, subd. (b)(1).)

14 26. The CPRA states that "[p]ublic records are open to inspection at all times during the  
15 office hours of the state or local agency and every person has a right to inspect any public record,  
16 except as hereafter provided. Any reasonably segregable portion of a record shall be available for  
17 inspection by any person requesting the record after deletion of the portions that are exempted by  
18 law." (Gov't Code § 6253, subd. (a).)

19 27. "Public records" within the meaning of the CPRA "includes any writing containing  
20 information relating to the conduct of the public's business prepared, owned, used, or retained by  
21 any state or local agency regardless of physical form or characteristics." (Gov't Code § 6252, subd.  
22 (e).)

23 28. The CPRA obligated Respondents "upon a request that reasonably describes an  
24 identifiable record or records, [to] make the records promptly available to any person . . ." (Gov.  
25 Code § 6253 subd. (b).)

26 29. The CPRA further obligated Respondents to "state the estimated date and time  
27 when the records will be made available." (Gov. Code § 6253 subd. (c).)

30. The CPRA states that “[t]he agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter . . .” (Gov. Code § 6255 subd. (a).)

31. The CPRA states that “[a]ny person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this chapter.” (Gov’t Code § 6258.)

32. The CPRA states that “[w]henver it is made to appear by verified petition to the superior court of the county where the records or some part thereof are situated that certain public records are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the public record or show cause why he or she should not do so. The court shall decide the case after examining the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code, papers filed by the parties and any oral argument and additional evidence as the court may allow.” (Gov’t Code § 6259.)

33. Respondents have violated the CPRA by 1) failing to provide a date and time in which all records will be produced, 2) failing to make records promptly available, 3) failing to conduct a proper search to locate responsive records, and 4) withholding documents on the grounds that they are attorney-client and attorney work product privileged despite the fact that they are not.

## CAUSES OF ACTION

**FIRST CAUSE OF ACTION**

## Petition for Writ of Mandate

**C.C.P. § 1085**

**(Against All Respondents)**

34. Petitioner hereby incorporates by reference each of the preceding allegations as though fully set forth herein.

35. As alleged herein, Respondents have refused and continue to refuse to comply with their obligations under the CPRA.

1           36.     There is a clear, present and ministerial duty upon the part of the Respondents to  
2 comply with these statutory mandates.

3           37.     Petitioner has a clear, present and beneficial right to the performance of that duty.

4           38.     Petitioner does not have an adequate remedy at law.

5           39.     Accordingly, Petitioner is entitled to a writ of mandate pursuant to C.C.P. § 1085 as  
6 specified more fully below.

7                                   **SECOND CAUSE OF ACTION**

8                                   **Declaratory Relief**

9                                   **C.C.P. § 1060**

10                                  **(Against All Defendants)**

11           40.     Plaintiff hereby incorporates by reference each of the preceding allegations as  
12 though fully set forth herein.

13           41.     An actual, present, and substantial controversy exists between Plaintiff and  
14 Defendants. Plaintiffs contends that Defendants have violated and will continue to violate the  
15 CPRA. Defendants contend that they have complied, and will continue to comply, with the CPRA.

16           42.     Plaintiff is entitled to a judicial declaration declaring that the records sought by  
17 Petitioner were not made promptly available, were not exempt from disclosure, and must be made  
18 available to Plaintiff immediately.

19                                   **PRAYER FOR RELIEF**

20           WHEREFORE, Petitioner/Plaintiff prays that the Court:

21           **ON THE FIRST CAUSE OF ACTION AS TO ALL RESPONDENTS**

22  
23           1.     Set times for responsive pleadings and for hearings in these proceedings at the  
24 earliest possible time. (See Gov. Code § 6258.)

25           2.     Issue a writ of mandate directing Respondents to immediately provide Petitioner  
26 access to all records responsive to the Petitioner's August 20, 2015 CPRA Request or, in the  
27 alternative, an order to show cause why the records should not made available to Petitioner. (See  
28 Gov. Code §§ 6258 and 6259.)



3. Conduct an *in camera* review of the documents withheld on the basis of privilege and order that Respondents make available to the public, all records that were not justifiably withheld under Section 6254 or 6255. (See Gov. Code § 6259 subds. (a) & (b).)

## ON THE SECOND CAUSE OF ACTION AS TO ALL DEFENDANTS

1. Enter a declaratory judgment declaring that Defendants' practices have violated the CPRA, and that the records sought were not made promptly available, were not exempt from disclosure, and must be made available to Petitioner immediately.

**ON BOTH CAUSES OF ACTION AS TO ALL DEFENDANTS**

1. Award Petitioner costs and attorney's fees incurred in bringing this action, pursuant to Gov. Code § 6259 subd. (d).

2. Grant further relief that the Court deems just and proper and in the interest of justice.

Dated: December 9, 2015

Eric J. Benink, Esq.  
Attorney for Petitioner

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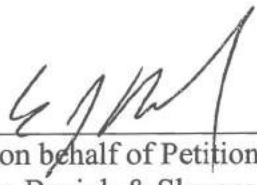
**VERIFICATION**

I, Eric J. Benink, am a partner of Petitioner/Plaintiff Krause Kalfayan Benink & Slavens, LLP. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE TO ORDER COMPLIANCE WITH CALIFORNIA PUBLIC RECORDS ACT; COMPLAINT FOR DECLARATORY RELIEF and know the contents thereof. The matters stated therein are true and correct of my own knowledge and belief or on information and belief as indicated therein.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed in the City of San Diego, California.

DATED: December 9, 2015

  
Eric J. Benink, on behalf of Petitioner  
Krause Kalfayan Benink & Slavens, LLP

## EXHIBIT A

# KRAUSE, KALFAYAN, BENINK, & SLAVENS

A LIMITED LIABILITY PARTNERSHIP

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SAN DIEGO, CALIFORNIA 92101  
TELEPHONE (619) 232-0331  
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NEWPORT BEACH, CALIFORNIA 92660  
TELEPHONE (949) 287-4931  
FACSIMILE (888) 400-6263

VIC A. MERJANIAN  
VANESSA C. CARDINALE  
LYNNE M. BRENNAN

August 20, 2015



**COPY**

Via Facsimile (760-961-6242) and U.S. Mail  
Clerk's Office  
Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

Re: California Public Records Act Request

Dear Sir or Madam:

This is a California Public Records Act (Gov. Code §§ 6250-6277) request for documents maintained by the Town of Apple Valley (the "Town"). Under Gov. Code § 6253 subdivisions (b) and (c), the Town is required to determine whether it maintains documents responsive to this request within ten (10) days of receipt and to produce such documents forthwith upon payment for the costs of duplication.

We seek the following records:

1. Any and all ordinances, resolutions, and municipal code sections that relate to wastewater (sewer) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present (regardless of the date of the ordinances, resolutions, and municipal code sections.)
2. Any and all ordinances, resolutions, and municipal code sections that relate to the waste management (solid waste collection) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present (regardless of the date of the ordinances, resolutions, and municipal code sections.)
3. Any and all Town council meeting minutes and agendas, and staff reports that relate to wastewater (sewer) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present (regardless of the date of the council meeting or staff reports.)

4. Any and all town council meeting minutes and agendas, and staff reports that relate to waste management (solid waste collection) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present (regardless of the date of the council meeting or staff reports.)

5. Any and all rate studies, cost of service studies, and cost allocation studies relied upon by the Town with respect to wastewater (sewer) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present.

6. Any and all rate studies, cost of service studies, and cost allocation studies relied upon by the Town with respect to waste management (solid waste collection) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present.

7. Any and all Proposition 218 notices the Town published and/or mailed regarding the wastewater (sewer) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present.

8. Any and all Proposition 218 notices the Town published and/or mailed regarding the waste management (solid waste collection) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present.

9. Any and all agreements/contracts and modifications thereto that govern the relationship between the Town and AVCO Disposal, Inc. (or its predecessors, affiliates, parents (Burrtec), and subsidiaries.)

10. Any and all ordinances, resolutions, council meeting minutes and agendas, and staff reports regarding AVCO Disposal, Inc. (or its predecessors, affiliates, parents (Burrtec), and subsidiaries.)

11. From January 1, 2013 through present, any and all communications (including emails and emails transmitted through private email accounts) to or from Town employees, contractors, council members, and attorneys related to or referencing the waste management (solid waste collection) franchise fees (currently 18% as referenced on page 63 of the Town's FY 15-16 budget.)

12. From January 1, 2013 through present, any and all communications (including emails and emails transmitted through private email accounts) to or from Town employees, contractors, council members, and attorneys related to or referencing the modification or

proposed modification of any and all contracts/agreement with AVCO Disposal, Inc. (or its predecessors, affiliates, parents (Burrtec), and subsidiaries.)

13. Any and all invoices, evidence of payment, and documents related to funds paid to AVCO Disposal, Inc. (or its predecessors, affiliates, parents (Burrtec), and subsidiaries) during the period January 1, 2013 through present.

14. Any and all documents that the Town relied upon with respect to its efforts to comply with Article XIII D, section 6, subdivision (b) of the California Constitution with regard the wastewater (sewer) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present.

15. Any and all documents that the Town relied upon with respect to its efforts to comply with Article XIII D, section 6, subdivision (b) of the California Constitution with regarding the waste management (solid waste collection) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present.

16. Any and all documents (including memoranda, email, reports, spreadsheets, instructions, manuals, treatises, analyzes) that the Town relied upon in preparing the Cost Allocation Plan as set forth on page 257 of its FY 15-16 budget.

17. For Fiscal Years ending June 30, 2012 through present, any and all documents that the Town relied upon in transferring and/or budgeting transfers of funds from its General Fund to Parks & Recreation Fund 2510 and AVGC Fund 5710. (See page 173 of the FY 15-16 budget.)

18. For Fiscal Years ending June 30, 2012 through present, detailed expenditure reports for codes 7010, 7030, 7110, 7210, 7140, 7150, and 7160 from Wastewater Fund 5010-4210.

19. For Fiscal Years ending June 30, 2012 through present, detailed expenditure reports for codes 7010, 7030, 7110, 7210, 7140, 7150, and 7160 from Waste Management Fund 5510-7510/4460.

20. For Fiscal Years ending June 30, 2012 through present, detailed expenditure reports for account 7217 (credit card costs) from General Government account 1001-1200.

21. Documents describing the job duties of the Parks & Recreation Manager in effect since January 1, 2012.



22. Any and all documents that the Town relied upon in budgeting \$3.2 million for Ranchos Acquisition Efforts as reflected in the document titled Town of Apple Valley Ranchos Acquisition Efforts, a copy of which is enclosed herewith for your convenience.

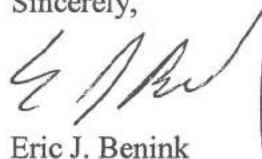
23. Any and all documents (e.g. expenditure reports, accounting records, journal entries) that identify the accounts that have funded the so-called "direct" efforts to acquire Apple Valley Ranchos to date (allegedly totaling \$666,133), together with the amounts funded by each account.

24. Any and all budgetary documents that identify the accounts where the Town budgeted the \$3.2 million for the Ranchos Acquisition Efforts.

We authorize any copy charges not exceeding \$250. Please contact me for authorization for any costs exceeding that amount.

Thank you for your anticipated cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric J. Benink', with a stylized, elongated vertical stroke at the end.

Eric J. Benink

**Town of Apple Valley**  
**Ranchos Acquisition Efforts**  
Schedule of Expenditure Details  
For the Month Ended July 31, 2015

|  | Budget           | Current Month | Fiscal Year-to-date | Other related Ranchos Costs | Prior Fiscal Years (in total) |
|--|------------------|---------------|---------------------|-----------------------------|-------------------------------|
| Expenditure Details                      | <u>3,200,000</u> |               |                     | <u>813,816</u>              |                               |
| Attorney Costs - Ranchos <sup>(1)</sup>  |                  |               |                     |                             |                               |
| Ranchos Acquisition                      | 500,000          |               |                     |                             | 370,357                       |
| Rate Cases and Advice Letters            |                  |               |                     | 343,872                     |                               |
| Recycled Water                           |                  |               |                     | 57,122                      |                               |
| Public Records Requests <sup>(2)</sup>   |                  |               |                     | 68,870                      |                               |
| Yermo                                    |                  |               |                     | 29,610                      |                               |
| Carlyle Merger                           |                  |               |                     | 154,277                     |                               |
| Liberty Merger                           |                  |               |                     | 59,412                      |                               |
| JLAC Audit                               |                  |               |                     | 15,688                      |                               |
| Appraisal Costs                          |                  |               |                     |                             |                               |
| The Hayward Consulting Group             | 127,400          |               |                     |                             | 127,377                       |
| Other Consulting Services <sup>(3)</sup> |                  |               |                     |                             |                               |
| Rincon                                   | 80,000           |               |                     |                             | -0-                           |
| Urban Futures                            | 12,500           |               |                     |                             | 12,500                        |
| Bartel Wells                             | 42,500           |               |                     |                             | 42,154                        |
| Public Information                       |                  |               |                     |                             |                               |
| Fiona Hutton & Associates                | 13,600           |               |                     |                             | 13,601                        |
| True North Research                      | 22,850           |               |                     |                             | 22,850                        |
| Katz & Associates                        | 29,500           |               |                     |                             | 29,313                        |
| 20/20 Network                            | 150,000          |               |                     |                             | 47,981                        |
| Public Records Requests <sup>(2)</sup>   |                  |               |                     | 84,965                      |                               |
| Other - Miscellaneous                    |                  |               |                     |                             |                               |
| Unallocated                              | 2,221,650        |               |                     |                             |                               |
| Total Expenditures <sup>(4)</sup>        | <u>3,200,000</u> | <u>-</u>      | <u>-</u>            |                             | <u>666,133</u>                |

Footnote:

- (1) Attorney costs related to the possible Ranchos Acquisition are recorded in total in the related category. All other "highlighted" Attorney costs not directly related to the acquisition process are presented for illustrative purposes only and are not included in the expenditure totals.
- (2) Public Records Requests include cost estimates for staff time, duplication and attorney's review. From FY 2011 through FY 2015, sixty (60) public records requests were submitted regarding water or related matters. Over 154,000 documents were provided in response to these requests which cost \$153,835 to search files, gather records, review records and reproduce.
- (3) Consulting Services includes any services contracted privately; not performed by Town personnel. These amounts primarily consist of payroll costs for consultant's personnel.
- (4) Prior Fiscal Years (in total) includes expenditures for FY 2011 thru FY 2015

EXHIBIT B



# Town of Apple Valley

A Better Way of Life

August 24, 2015

**Via First Class Mail**

Erik J. Benink  
Krause, Kalfayan, Benink & Slavens  
550 West C Street, Suite 530  
San Diego, CA 92101

RE: Public Records Act Request Received August 21, 2015

Dear Mr. Benink:

On August 21, 2015, the Town of Apple Valley received your request for records under the California Public Records Act (PRA) (Gov. Code §§ 6250 – 6276.48). Your request seeks a large amount of records dating back approximately three (3) years. Under the PRA, a request for a “voluminous” amount of documents is one of the conditions that create “unusual circumstances.” Under such circumstances, the Town may take an extension of the standard 10-day time period provided under the PRA for making its determination on a request for records. Regarding your request, the Town is taking this time extension pursuant to Government Code Section 6253, subdivision (c), which states in part:

“..In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, ‘unusual circumstances’ means, but only to the extent reasonably necessary to the proper processing of the particular request: ... (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.”

August 24, 2015

Mr. Eric J. Benink

RE: Public Records Act Request Received August 24, 2015

Page 2

In accordance with the above quoted section of the PRA, please be advised that this letter serves as written notice that the Town of Apple is taking an extension of the standard 10 day time period for providing its determination on the items you have requested. Staff will notify you in writing with the Town's determination no later than **Monday, September 14, 2015**.

Please be assured that Town staff members will make every effort to respond effectively to your request.

Sincerely,



Debra L. Thomas  
Deputy Town Clerk  
Records Management

cc: Frank W. Robinson, Town Manager  
Marc Puckett, Assistant Town Manager  
John E. Brown, Town Attorney  
La Vonda M-Pearson, Town Clerk

EXHIBIT C





# Town of Apple Valley

A Better Way of Life

September 14, 2015

**Via First Class Mail**

Mr. Eric J. Benink  
Krause, Kalfayan, Benink, & Slavens  
550 West C Street, Suite 530  
San Diego, CA 92101

RE: Public Records Act Request Received August 21, 2015 – Responsive Documentation

Dear Mr. Benink:

On August 21, 2015, the Town of Apple Valley received your request for records under the California Public Records Act (PRA) (Gov. Code §§ 6250 – 6276.48). Your request seeks documentation related to the Town's wastewater and waste management matters. We are still in the process of reviewing all of the records responsive to your request and plan to make the responsive records available for your review in sets beginning September 17, 2015.

In the initial set of responsive documents, you will find the following records, which have been numbered in accordance with your original request:

1. In response to your request for “any and all ordinances, resolutions, and municipal code sections that relate to wastewater (sewer) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present...” the Town will provide:

**May 10, 1994 Agenda Staff Report No. 6 —Ordinance & Resolution Establishing Sewer & Water; May 10, 1994 Minutes; and Resolution No. 94-30 / Ordinance 135.**

2. In response to your request for “any and all ordinances, resolutions, and municipal code sections that relate to the waste management (solid waste collection) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present...” the Town will provide:

**August 15, 1989 Agenda Staff Report No. 6.4 — Refuse Ordinance; August 15, 1989 Minutes; and Ordinance No. 34.**

September 14, 2015

Mr. Eric J. Benink

RE: Public Records Act Request Received August 21, 2015 – Responsive Documentation

Page 2

3. In response to your request for “any and all Town council meeting minutes and agendas, and staff reports that relate to wastewater (sewer) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present...” the Town will provide:

**January 22, 2013 Agenda Staff Report No. 9 — Resolution Setting Time and Place for Public Hearing on Sewer User Charge Increases; January 22, 2013 Minutes; Resolution No. 2013-05; March 12, 2013 Agenda Staff Report No. 12 — Resolution Establishing Sewer User Charges; March 12, 2013 Minutes; Resolution No. 2013-13; April 8, 2014 Agenda Staff Report No. 8 — Resolution Setting Time and Place for Sewer User Charge Increases; April 8, 2014 Minutes; Resolution No. 2014-10; June 10, 2014 Agenda Staff Report No. 16 — Resolution Establishing Sewer User Charges; June 10, 2014 Minutes; and Resolution No. 2014-18.**

4. In response to your request for “any and all town council meeting minutes and agendas, and staff reports that relate to waste management (solid waste collection) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present...” the Town will provide:

**January 22, 2013 Agenda Staff Report No. 8 — Resolution Setting Time and Place for Public Hearing on Trash User Fee Increases; January 22, 2013 Minutes; Resolution No. 2013-04; March 12, 2013 Agenda Staff Report No. 11 — Resolution Establishing Trash User Fee Increases; March 12, 2013 Minutes; Resolution No. 2013-12; June 24, 2014 Agenda Staff Report No. 9 — Adopt Resolution No. 2014-24; June 24, 2014 Minutes; Resolution No. 2014-24; August 12, 2014 Agenda Staff Report No. 6 — Resolution Establishing Trash User Fee Increases; August 12, 2014 Minutes; and Resolution No. 2014-33.**

7. In response to your request for “any and all Proposition 218 notices the Town published and/or mailed regarding the wastewater (sewer) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present” the Town will provide:

**Notice of Public Hearings for Sewer Fees — March 12, 2013, June 10, 2014 & June 24, 2014.**

8. In response to your request for “any and all Proposition 218 notices the Town published and/or mailed regarding the waste management (solid waste collection) rates, fees, and charges imposed on persons in the Town in effect from the period January 1, 2013 through present” the Town will provide:

September 14, 2015

Mr. Eric J. Benink

RE: Public Records Act Request Received August 21, 2015 – Responsive Documentation

Page 3

**Notice of Public Hearings for Trash Collection Fees — March 12, 2013 & August 12, 2014.**

9. In response to your request for “any and all agreements/contracts and modifications thereto that govern the relationship between the Town and AVCO Disposal, Inc. (or its predecessors, affiliates, parents (Burrtec), and subsidiaries.)” the Town will provide:

**All AVCO Disposal Agreements**

10. In response to your request for “any and all ordinances, resolutions, council meeting minutes and agendas, and staff reports regarding AVCO Disposal, Inc. (or its predecessors, affiliates, parents (Burrtec), and subsidiaries.)” the Town will provide:

**August 23, 1994 Agenda Staff Report No. 10 - Resolution Approving Agreements for Solid Waste Recycling & Solid Waste Handling Service; August 23, 1994 Minutes Approving Resolution; and Resolution No. 94-60.**

21. In response to your request for “documents describing the job duties of the Parks & Recreation Manager in effect since January 1, 2012” the Town will provide:

**Parks and Recreation Manager Job Description.**

Before providing any copies, please be advised that the Town will have redacted protected financial information such as bank account numbers from certain documents responsive to your request. Bank account numbers are confidential financial information and disclosing such information could expose the Town to liability. Therefore, the public interest in withholding bank account numbers clearly outweighs any public interest in disclosure. (Gov. Code § 6255.) We also advise you that certain documents containing privileged correspondence and work product will be withheld from disclosure in response to your request. Specifically, we will be withholding documents and information that contains attorney-client communications, which are protected from disclosure by the attorney-client privilege (Cal. Evid. Code §§ 952, 954; Cal. Gov. Code § 6254, subd. (k)), as well as documents and information that are protected by the attorney work product privilege (Cal. Code Civ. Proc. § 2018.030).

Because the Town will not be providing certain exempt information in response to your request, the Public Records Act requires the City to provide a written response when a records request is denied, either in whole or in part. (Gov. Code § 6255, subd. (b).) The Public Records Act also requires that notification of denial of any request for records must include the names and titles or positions of each person responsible for the denial. (Gov. Code § 6253, subd. (d).) With the name and title of the undersigned, this letter fulfills both of the aforementioned legal requirements.

September 14, 2015

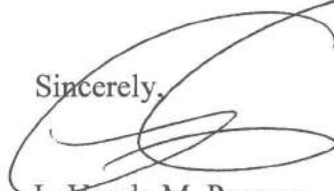
Mr. Eric J. Benink

RE: Public Records Act Request Received August 21, 2015 – Responsive Documentation

Page 4

Please be assured that Town staff members will continue to make every effort to respond effectively to your request.

Sincerely,

A handwritten signature in black ink, appearing to read 'LaVonda M. Pearson', written over the word 'Sincerely,'.

LaVonda M. Pearson  
Town Clerk

cc: Frank W. Robinson, Town Manager  
John E. Brown, Town Attorney

EXHIBIT D



# Town of Apple Valley

A Better Way of Life

September 21, 2015

**Via First Class Mail**

Mr. Eric J. Benink  
Krause, Kalfayan, Benink & Slavens  
550 West C Street, Suite 530  
San Diego, CA 92101

Re: Public Records Act Request Received August 21, 2015

Dear Mr. Benink:

This letter follows up our previous response letter, dated August 21, 2015, wherein we acknowledged receipt of your Request for Public Records and requested an extension to properly search our records and make a determination regarding the requested records.

While we had hoped to complete our review and assembly of records for release to you on or before September 14, 2015, we do need a little more time. Please be assured that we are now in the final stages of examining and preparing records, which are responsive to your request. To that end, the Town is providing you with our first set of documents responsive to your request. We will forward you additional responsive records upon final review.

We thank you for your patience, as we are making every effort to respond effectively to your request. Should you have any questions or concerns please do not hesitate to contact our office.

Sincerely,

Debra L. Thomas  
Deputy Town Clerk  
Records Management

cc: Frank Robinson, Town Manager  
Marc Puckett, Assistant Town Manager  
John E. Brown, Town Attorney  
La Vonda M-Pearson, Town Clerk

Enclosures: Records Responsive to Items 1-4, 7-10 & 21  
Billing Statement





# Town of Apple Valley

A Better Way of Life

REQUEST NO. 2015-242  
SEPTEMBER 21, 2015

**BILL & SHIP TO:**

Eric J. Benink, Esq.  
Krause, Kalfayan, Benink & Slavens  
550 West C Street, Suite 530  
San Diego, California 92101

Re: Public Records Act Request Received August 21, 2015

| QUANTITY  | DESCRIPTION  | UNIT PRICE | TOTAL           |
|-----------|--|------------|-----------------|
|           |  |            |                 |
| 503 Pages | Partial Response to Request for Copies of Public Records | \$ .20     | \$100.60        |
| 1         | Postage – Priority Mail                                  | \$9.60     | \$9.60          |
|           | <b>GRAND TOTAL</b>                                       |            | <b>\$110.20</b> |

Please make your check payable to: TOWN OF APPLE VALLEY

Mailing Address: Attn: Debra Thomas, Deputy Town Clerk  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

If you have any questions concerning this invoice, please contact Debra Thomas at (760) 240-7000 x7806 or [dthomas@applevalley.org](mailto:dthomas@applevalley.org)

EXHIBIT E



# Town of Apple Valley

A Better Way of Life

October 7, 2015

Mr. Eric J. Benink  
Krause, Kalfayan, Benink, & Slavens  
550 West C Street, Suite 530  
San Diego, CA 92101

RE: Public Records Act Request Received August 21, 2015 – Responsive Documentation

Dear Mr. Benink:

On August 21, 2015, the Town of Apple Valley received your request for records under the California Public Records Act (PRA) (Gov. Code §§ 6250 – 6276.48). Your request seeks documentation related to the Town's wastewater and waste management matters. We are still in the process of reviewing all of the records responsive to your request and are making the responsive records available for your review in sets.

In the enclosed set of responsive documents, you will find the following records, which have been numbered in accordance with your original request:

18. In response to your request for "...detailed expenditure reports for codes 7010, 7030, 7110, 7210, 7140, 7150, and 7160 from Wastewater Fund 5010-4210" the Town will provide:

**Expenditure Detail Reports For Fiscal Years ending June 30, 2012 through present.**

19. In response to your request for "...detailed expenditure reports for codes 7010, 7030, 7110, 7210, 7140, 7150, and 7160 from Waste Management Fund 5510-7510/4460" the Town will provide:

**Expenditure Detail Reports For Fiscal Years ending June 30, 2012 through present.**

20. In response to your request for "...detailed expenditure reports for account 7217 (credit card costs) from General Government account 1001-1200" the Town will provide:

**Expenditure Detail Reports For Fiscal Years ending June 30, 2012 through present.**

October 7, 2015

Mr. Eric J. Benink

RE: Public Records Act Request Received August 21, 2015 – Responsive Documentation

Page 2

22. In response to your request for “any and all documents that the Town relied upon in budgeting \$3.2 million for Ranchos Acquisition Efforts as reflected in the document titled Town of Apple Valley Ranchos Acquisition Efforts, a copy of which is enclosed herewith for your convenience” the Town will provide:

**Town of Apple Valley Adopted Budget for Fiscal Years July 1, 2014 – June 30, 2015 and July 1, 2015 – June 30, 2016.**

23. In response to your request for “any and all documents (e.g. expenditure reports, accounting records, journal entries) that identify the accounts that have funded the so-called “direct” efforts to acquire Apple Valley Ranchos to date (allegedly totaling \$666,133), together with the amounts funded by each account” the Town will provide:

**Town of Apple Valley Adopted Budget for Fiscal Years July 1, 2014 – June 30, 2015 and July 1, 2015 – June 30, 2016.**

24. In response to your request for “any and all budgetary documents that identify the accounts where the Town budgeted the \$3.2 million for the Ranchos Acquisition Efforts” the Town will provide:

**Town of Apple Valley Adopted Budget for Fiscal Years July 1, 2014 – June 30, 2015 and July 1, 2015 – June 30, 2016.**

Before providing any copies, please be advised that the Town may have redacted protected financial information such as bank account numbers from certain documents responsive to your request. Certain bank account numbers are confidential financial information and disclosing such information could expose the Town to liability. Therefore, the public interest in withholding bank account numbers clearly outweighs any public interest in disclosure. (Gov. Code § 6255.) We also advise you that certain documents containing privileged correspondence and work product will be withheld from disclosure in response to your request. Specifically, we will be withholding documents and information that contains attorney-client communications, which are protected from disclosure by the attorney-client privilege (Cal. Evid. Code §§ 952, 954; Cal. Gov. Code § 6254, subd. (k)), as well as documents and information that are protected by the attorney work product privilege (Cal. Code Civ. Proc. § 2018.030).

Because the Town will not be providing certain exempt information in response to your request, the Public Records Act requires the Town to provide a written response when a records request is denied, either in whole or in part. (Gov. Code § 6255, subd. (b).) The Public Records Act also requires that notification of denial of any request for records must include the names and titles or positions of each person responsible for the denial. (Gov. Code § 6253, subd. (d).) With the name and title of the undersigned, this letter fulfills both of the aforementioned legal requirements.

October 7, 2015

Mr. Eric J. Benink

RE: Public Records Act Request Received August 21, 2015 – Responsive Documentation

Page 3

Please be assured that Town staff members will continue to make every effort to respond effectively to your request.

Sincerely,

A handwritten signature in dark ink, appearing to be 'LaVonda M-Pearson', written over a horizontal line.

LaVonda M-Pearson  
Town Clerk

cc: Frank W. Robinson, Town Manager  
Marc Puckett, Assistant Town Manager  
John E. Brown, Town Attorney



# Town of Apple Valley

A Better Way of Life

REQUEST NO. 2015-242  
OCTOBER 7, 2015

**BILL & SHIP TO:**

Eric J. Benink, Esq.  
Krause, Kalfayan, Benink & Slavens  
550 West C Street, Suite 530  
San Diego, California 92101

Re: Public Records Act Request Received August 21, 2015

| QUANTITY  | DESCRIPTION  | UNIT PRICE | TOTAL          |
|-----------|--|------------|----------------|
| 178 Pages | Partial Response to Request for Copies of Public Records | \$ .20     | \$35.60        |
| 1         | Postage – Priority Mail                                  | \$7.55     | \$7.55         |
|           | <b>GRAND TOTAL</b>                                       |            | <b>\$43.14</b> |

Please make your check payable to: TOWN OF APPLE VALLEY

Mailing Address: Attn: Debra Thomas, Deputy Town Clerk  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

If you have any questions concerning this invoice, please contact Debra Thomas at (760) 240-7000 x7806 or  
[dthomas@applevalley.org](mailto:dthomas@applevalley.org)

EXHIBIT F



# Town of Apple Valley

A Better Way of Life

October 20, 2015

**Via Facsimile & First Class Mail**  
**(619) 232-4019**

Mr. Eric J. Benink  
Krause, Kalfayan, Benink, & Slavens  
550 West C Street, Suite 530  
San Diego, CA 92101

RE: Public Records Act Request Received August 21, 2015 – Responsive Documentation – Request No. 2015-242

Dear Mr. Benink:

On August 21, 2015, the Town of Apple Valley received your request for records under the California Public Records Act (PRA) (Gov. Code §§ 6250 – 6276.48). Your request seeks documentation related to the Town's wastewater and waste management matters. We are still in the process of reviewing all of the records responsive to your request and will be able to make a disk of electronic records available to you on Thursday, October 22, 2015. Prior to release of the electronic records on disk, the Town will need payment in the amount of \$7.42.

As mentioned with the previous sets of responsive records, before providing any copies, the Town will have redacted protected financial information such as bank account numbers from certain documents responsive to your request, as the public interest in withholding bank account numbers clearly outweighs any public interest in disclosure. (Gov. Code § 6255.) Also, we advise you that certain documents containing attorney-client privileged correspondence and attorney work product will be withheld from disclosure in response to your request. (Cal. Evid. Code §§ 952, 954; Cal. Gov. Code § 6254, subd. (k), Cal. Code Civ. Proc. § 2018.030).

Because the Town will not be providing certain exempt information in response to your request, the Public Records Act requires the Town to provide a written response when a records request is denied, either in whole or in part. (Gov. Code § 6255, subd. (b).) The Public Records Act also requires that notification of denial of any request for records must include the names and titles or positions of each person responsible for the denial. (Gov. Code § 6253, subd. (d).) With the name and title of the undersigned, this letter fulfills both of the aforementioned legal requirements.



October 20, 2015

Mr. Eric J. Benink

RE: Public Records Act Request Received August 21, 2015 – Responsive Documentation –  
Request No. 2015-242

Page 2

Please be assured that Town staff members will continue to make every effort to respond effectively to your request.

Sincerely,



Debra L. Thomas  
Deputy Town Clerk  
Records Management

Enclosure: Invoice

cc: Frank W. Robinson, Town Manager  
Marc Puckett, Assistant Town Manager  
John E. Brown, Town Attorney  
La Vonda M-Pearson, Town Clerk



# Town of Apple Valley

A Better Way of Life

REQUEST NO. 2015-242  
OCTOBER 20, 2015

**BILL & SHIP TO:**

Eric J. Benink, Esq.  
Krause, Kalfayan, Benink & Slavens  
550 West C Street, Suite 530  
San Diego, California 92101

Re: Public Records Act Request Received August 21, 2015

| QUANTITY | DESCRIPTION                 | UNIT PRICE | TOTAL         |
|----------|-----------------------------|------------|---------------|
|          |                             |            |               |
| 1 CD     | Electronic Records & Emails | \$6.00     | \$6.00        |
| 1        | Postage – First Class       | \$1.42     | \$1.42        |
|          | <b>GRAND TOTAL</b>          |            | <b>\$7.42</b> |

Please make your check payable to: TOWN OF APPLE VALLEY

Mailing Address: Attn: Debra Thomas, Deputy Town Clerk  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

If you have any questions concerning this invoice, please contact Debra Thomas at (760) 240-7000 x7806 or [dthomas@applevalley.org](mailto:dthomas@applevalley.org)

EXHIBIT G

**From:** Tina Kuhns <TKuhns@applevalley.org>  
**Sent:** Wednesday, October 1, 2014 12:22 PM  
**To:** Mike Cady <MCady@applevalley.org>; Dennis Cron <DCron@applevalley.org>  
**Cc:** Lance Miller <LMiller@applevalley.org>  
**Subject:** RE: CWEA - DAMS Invites you to the 2014 ANNUAL COLLECTIONS WORKSHOP on Thursday, October 9th, 2014

---

Yes, the three of them are signed up thanks to Kathy!

---

**From:** Mike Cady  
**Sent:** Wednesday, October 01, 2014 8:39 AM  
**To:** Dennis Cron  
**Cc:** Lance Miller; Tina Kuhns  
**Subject:** RE: CWEA - DAMS Invites you to the 2014 ANNUAL COLLECTIONS WORKSHOP on Thursday, October 9th, 2014

I believe Mikey, Earl, and Jabez are already signed up.

---

**From:** Dennis Cron  
**Sent:** Wednesday, October 01, 2014 8:29 AM  
**To:** Mike Cady  
**Cc:** Lance Miller; Tina Kuhns  
**Subject:** FW: CWEA - DAMS Invites you to the 2014 ANNUAL COLLECTIONS WORKSHOP on Thursday, October 9th, 2014

Mike,  
I'm sure you got this but let's make sure we send people who haven't been and those who will be needing contact hours for certs

---

**From:** CWEA Desert & Mountain Section [<mailto:cweadams@gmail.com>]  
**Sent:** Wednesday, October 01, 2014 6:36 AM  
**To:** Cwea Dams  
**Subject:** Fwd: CWEA - DAMS Invites you to the 2014 ANNUAL COLLECTIONS WORKSHOP on Thursday, October 9th, 2014

### Hi Members

The CWEA-DAMS Annual Collections Workshop is around the corner: 10/9/2014

You are invited to a great and fun filled day .

The highlight of the day will be a field trip to the VVWRA high tech \$38-million sewer replacement project. This is a great opportunity to see one of the biggest and technical projects in the high desert currently under construction.

Please RSVP here : [Click Here to Register](#)

Few articles about the project :

[\\$38-million sewer replacement project continues](#)

[Pipeline replacement project inching along](#)

Thank you

California Water Environment Association  
**Desert and Mountain Section**  
<http://www.cwea.org/dams/>

[Unsubscribe from CWEA DAMS Emails](#)

**From:** Tom Brown <TBrown@applevalley.org>  
**Sent:** Thursday, February 5, 2015 2:36 PM  
**To:** Lance Miller <LMiller@applevalley.org>  
**Cc:** Tina Kuhns <TKuhns@applevalley.org>; Mike Cady <MCady@applevalley.org>;  
Dennis Cron <DCron@applevalley.org>  
**Subject:** RE: 2/6 Deadline for Org Charts/Dept Narratives

---

Thank you

Thomas W. Brown  
Accountant I  
Phone: 760-240-7000 ext. 7702  
Fax: 760-247-3885  
E-mail: [tbrown@applevalley.org](mailto:tbrown@applevalley.org)  
Smile like a monkey with a new banana. Benjamin Franklin

---

**From:** Lance Miller  
**Sent:** Thursday, February 05, 2015 2:35 PM  
**To:** Tom Brown  
**Cc:** Tina Kuhns; Mike Cady; Dennis Cron  
**Subject:** 2/6 Deadline for Org Charts/Dept Narratives

Tom,  
Org chart changes were hand delivered to you by me last week, and the PW dept narrative as well as the cover sheets for Street Fund and Wastewater Fund are completed and in the folder.  
Lance

**From:** Tina Kuhns <TKuhns@applevalley.org>  
**Sent:** Thursday, October 16, 2014 8:57 AM  
**To:** Dennis Cron <DCron@applevalley.org>  
**Subject:** FW: Golf Course Well

---

FYI

---

**From:** Kevin Schmidt [mailto:KSchmidt@hfinc.com]  
**Sent:** Thursday, October 16, 2014 8:55 AM  
**To:** Tina Kuhns  
**Subject:** Golf Course Well

Hi Tina,

I will be travelling to the High Desert today for some VVWRA work. I will drop off the video for the golf course well this afternoon.

Thank You

**Kevin Schmidt, P.E.**  
Project Director  
**Hall & Foreman Inc.**  
41951 Remmington Avenue, Suite 130  
Temecula, CA 92590-2553  
Direct: (951) 294-9322  
Cell: (951) 760-8551  
Fax: (951) 294-9301



**Setting the Bar Higher**

*Through Solutions, Performance, and Relationships*



**SaniTite® HP**  
HIGH PERFORMANCE

# ***SaniTite® HP Sanitary Sewer Pipe*** ***12"–60"***



**ADS.**  
SANITARY



## SANITITE® HP PIPE 12"-60" FOR SANITARY SEWER

### Meets ASTM F2736 and F2764

SaniTite HP (High Performance) couples advanced polypropylene resin technology with a proven dual wall (12"-30") and exclusive triple wall (30"-60") profile design for superior performance and durability. SaniTite HP meets and exceeds typical standards for pipe stiffness and joint integrity. When specifying pipe per ASTM F2736 and/or ASTM F2764 on a gravity flow sanitary sewer project, you are specifying the most stringent performance requirements in the industry.

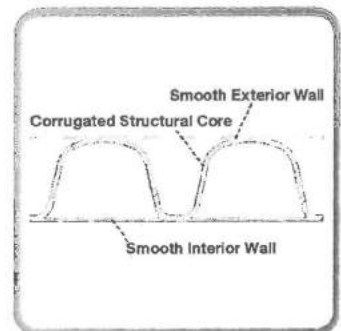
### Advanced Construction

- Standard 12"-60" (300 mm-1500mm) diameters
- Varied lengths available 13' (3.9m), 16.3' (4.9m) and 20' (6.1m)
- Redundant double gasketed joints
- Inert material
- 1,000 hour 10.8 psi (320 kPa) joint test for 30"-60" (750 mm - 1500 mm) pipe per ASTM 2736
- Industry standards for manhole connections, testing and installation

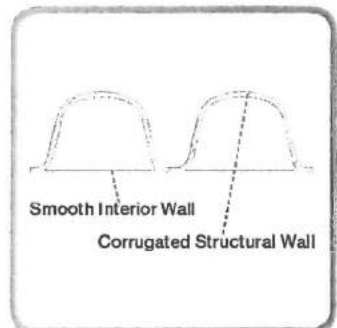
### Superior Polypropylene Material

Made from an engineered impact modified co-polymer compound, the superior strength and material properties of polypropylene (PP) offer robust pipe stiffness, excellent handling characteristics, and long service life when compared to traditional sanitary sewer products. It is chemically resistant to hydrogen sulfide gas and sulfuric acid concentrations typical of sanitary sewers to provide superior durability and performance. The unique light grey resin color provides superior UV resistance as well as improving the pipe's interior visibility during post-installation inspection.

### Triple Wall Design



### Dual Wall Design



## INDUSTRY STANDARDS IN SANITARY SEWERS

### Superior Joint Performance

SaniTite HP pipe has a patented extended, reinforced bell with polymer composite bands and dual gaskets that add an additional factor of safety within each joint. The SaniTite HP joint performance exceeds the 10.8 psi laboratory performance standards per ASTM D3212. SaniTite HP is tested to 15 psi to provide additional redundancy and factor of safety for critical sanitary sewer installations. Third party certification of joint performance is available upon request.

In the field, each section of SaniTite HP may be tested by a low pressure air test, according to ASTM F1417. ASTM F1417 is a commonly used standard for diameters 12"-36" (300 mm-900 mm) and specifies that 3.5 psi air pressure be held for a specified length of time based upon pipe diameter and length of run. For diameters greater than 30" (900 mm) SaniTite HP joint integrity may be validated by a joint isolation test.

Where an infiltration/exfiltration test is preferred, ASTM F2487 specifies a simplistic method of verifying proper joint performance.

### Standard Tap Connections

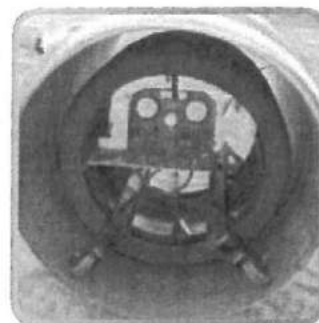
A standard tapping product, such as INSERTA TEE®, is compatible with SaniTite HP.

### Standard Repair Couplers

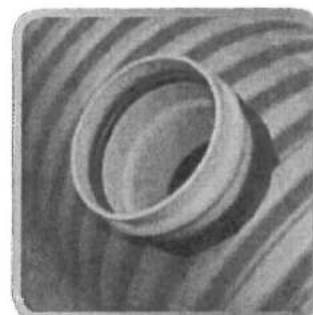
Testable repair couplers are available at ADS locations. PVC sleeve couplers are available for 12"-30" (300 mm-900 mm) dual wall pipe. Rubber repair couplers with stainless steel shear bands are available for 12"-60" (300 mm-1500mm) diameters.

### Diameter Range

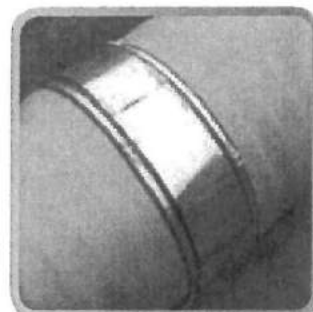
SaniTite HP meeting ASTM F2736 and F2764 is currently manufactured in 20' or 13' lengths for diameters 12"-48", while the 60" diameter is manufactured in 20' and 16.3'. The 20 foot lengths aid in speed of installation and reduce the total number of joints. However, the 13 foot lengths are complimentary for deeper projects where trench box conditions require a shorter pipe.



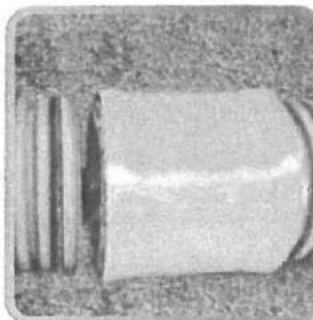
Joint Isolation Test



INSERTA TEE Tap



Repair Coupler



PVC Sleeve Coupler

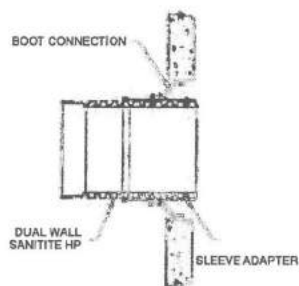
## INDUSTRY STANDARDS IN SANITARY SEWERS

### Standard Structure Connections

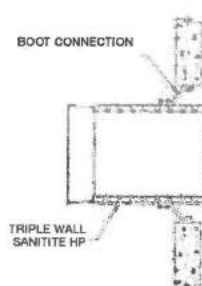
Sanitary sewer projects require superior watertight performance combined with a flexible connection solution that can withstand the rigor of installation. To meet varying regional requirements, ADS offers a wide selection of connectors to be used with independent standard resilient connectors meeting ASTM C923, such as A-Lok® and Press Seal®.

When connecting SaniTite HP pipe to a manhole, a smooth exterior surface on the pipe is required. ADS offers three ways to adapt dual wall pipe to these manhole connectors: a corrugated pipe adapter, a PVC Manhole Adapter or a polypropylene manhole sleeve adapter. For triple wall pipe, commonly used manhole connectors can connect directly to the pipe with no additional fittings or adapters.

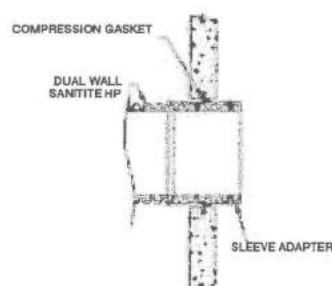
**Boot Connection  
to Dual Wall Pipe**



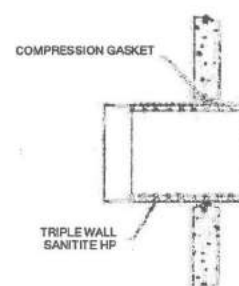
**Boot Connection to  
Triple Wall Pipe**



**Compression Gasket  
Connection to  
Dual Wall Pipe**



**Compression Gasket  
Connection to  
Triple Wall Pipe**



## ADS SANITITE® HP 12"-60" SANITARY PIPE SPECIFICATION

### SCOPE

This specification describes 12- through 60-inch (300 to 1500 mm) ADS SaniTite HP pipe for use in gravity-flow sanitary sewer applications.

### PIPE REQUIREMENTS

ADS 12" – 30" (300 to 750mm) SaniTite HP dual pipe shall have a smooth interior and annular exterior corrugations; 30"-60" SaniTite HP triplewall pipe shall have smooth interior and exterior surfaces with annular inner corrugations.

- 12- through 30-inch (300 to 750 mm) dual wall pipe shall meet ASTM F2736
- 30- through 60-inch (750 to 1500 mm) triple wall pipe shall meet ASTM F2764
- 12- through 60-inch (300 to 1500 mm) pipe shall have a minimum pipe stiffness of 46 pii when tested in accordance with ASTM D2412
- Manning's "n" value for use in design shall be 0.012.

### JOINT PERFORMANCE

Pipe shall be joined with a gasketed integral bell & spigot joint meeting the requirements of ASTM F2736.

12- through 60-inch (300 to 1500 mm) shall be watertight according to the requirements of ASTM D3212, with the addition of a 15 psi pressure requirement. Spigot shall have two gaskets meeting the requirements of ASTM F477. Gaskets shall be installed by the pipe manufacturer and covered with a removable, protective wrap to ensure the gaskets are free from debris. A joint lubricant available from the manufacturer shall be used on the gasket and bell during assembly.

12- through 60-inch (300 to 1500 mm) diameters shall have a reinforced bell with a polymer composite band installed by the manufacturer.

### FITTINGS

Fittings and connections shall provide a watertight connection according to the requirements of ASTM D3212. Gaskets, when present, shall meet ASTM F477.

### FIELD PIPE AND JOINT PERFORMANCE

To assure watertightness, field performance verification may be accomplished by testing in accordance with ASTM F1417 or ASTM F2487. Appropriate safety precautions must be used when field-testing any pipe material.

### MATERIAL PROPERTIES

Polypropylene compound for pipe and fitting production shall be an impact modified copolymer meeting the material requirements of ASTM F2736 or ASTM F2764.

### INSTALLATION

Installation shall be in accordance with ASTM D2321 and ADS recommended installation guidelines, with the exception that minimum cover in traffic areas for 12- through 48-inch (300 to 1200 mm) diameters shall be one foot (0.3 m) and for 60-inch (1500mm) diameters the minimum cover shall be 2-ft (0.6m) in single run applications. Backfill for minimum cover situations shall consist of Class 1 or Class 2 (minimum 90% SPD) material. Maximum fill heights depend on embedment material and compaction level; please refer to Technical Note 2.05.

### PIPE DIMENSIONS

| Dimensional Data (inches)   | 12    | 15    | 18    | 21    | 24    | 30    | 36     | 42     | 48     | 60     |
|-----------------------------|-------|-------|-------|-------|-------|-------|--------|--------|--------|--------|
| Outside Diameter (inches)   | (300) | (375) | (450) | (535) | (600) | (750) | (900)  | (1050) | (1200) | (1500) |
| Inside Diameter (inches)    | 12.1  | 14.9  | 18.0  | 21.1  | 24.1  | 30.1  | 35.7   | 41.8   | 47.3   | 59.3   |
|                             | (307) | (378) | (457) | (530) | (612) | (765) | (907)  | (1062) | (1201) | (1509) |
| Wall Thickness (inches)     | 14.5  | 17.6  | 21.2  | 24.8  | 28.0  | 35.4  | 41.1   | 47.2   | 53.8   | 66.5   |
|                             | (368) | (447) | (538) | (629) | (711) | (899) | (1044) | (1199) | (1367) | (1689) |
| Minimum Bell Depth (inches) | 117   | 86    | 86    | 86    | 86    | 80    | 70     | 58     | 58     | 53     |
|                             | (806) | (593) | (593) | (593) | (593) | (551) | (482)  | (400)  | (400)  | (365)  |

\*Values applicable for triple wall profile.



ADS "Terms and Conditions of Sale" are available on the ADS website: [www.ads-pipe.com](http://www.ads-pipe.com)  
The ADS logo, the Green Strip and Sanitary HP are registered trademarks of Advanced Drainage Systems, Inc.  
Inserta 180° is a registered trademark of Inserta Fittings, Co. A-Lok is a registered trademark of A-Lok Products, Inc.  
Prestic Seal Gasket Corporation is a registered trademark of Prestic Seal Gasket Corporation. Mar Map is a registered trademark of Mar Mar Construction Products, Inc. Nyloplast is a registered trademark of Nyloplast.  
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BHO E10952 09/13 MH



Advanced Drainage Systems, Inc.  
4640 Trueman Blvd. Hilliard, OH 43026

1-800-821-6710

[www.ads-pipe.com](http://www.ads-pipe.com)

**ADS.**  
SANITARY

**From:** WaterReuse <info@watereuse.org>  
**Sent:** Monday, August 17, 2015 5:00 AM  
**To:** Dennis Cron <DCron@applevalley.org>  
**Subject:** Webcast | U.S. Municipal Wastewater & Reuse: Market Trends, Opportunities and Forecasts, 2015-2025

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**Please join us for an upcoming webcast.**

**U.S. Municipal Wastewater & Reuse: Market Trends, Opportunities and Forecasts, 2015-2025**

August 19, 2015

2:00 p.m. - 3:00 p.m. EDT

11:00 a.m. - 12:00 p.m. PDT

**PDHs: 1**

**Fee:** Free to Association and Foundation members

**Register Now!**

*US Municipal Wastewater & Reuse: Market Trends, Opportunities, & Forecasts, 2015-2025* is an in-depth analysis of the rapidly changing U.S. municipal water landscape for water reuse solutions and business strategies. From California to Florida, municipal utilities and industrial off-takers are responding to a more regulated and volatile water market environment. Bluefield highlights the evolving water landscape by state and water district that are shaping business models and market growth going forward.

The in-depth forecasts build on the more than 8.3 million m<sup>3</sup>/d of municipal wastewater flows currently reused in the US. Water reuse for municipal utilities will increase 61% by 2025, requiring \$11 billion of capital expenditures. This presentation will provide a valuable market overview for companies pursuing water reuse as a business opportunity.

**Presenter**

**Erin Bonney Casey** is an analyst in Bluefield Research's Advanced Water Treatment & Desalination practice, based out of the company's Boston, MA office. Erin specializes in water treatment and reuse for the municipal sector and industrial verticals globally, including hydraulic fracturing, mining, and energy.

**Register Now!**

This mailing has been sent to the members of Conference Announcements. To unsubscribe from this group, click [here](#). To opt-out of all future mailings from us, click [here](#)

WaterReuse Research Foundation  
1199 N. Fairfax St., Ste. 410  
Alexandria, VA 22314  
703.548.0880

1199 North Fairfax Street, Suite 410  
Alexandria, VA 22314  
United States

EXHIBIT H





# Town of Apple Valley

A Better Way of Life

October 22, 2015

**Via First Class Mail**

Eric J. Benink  
Krause, Kalfayan, Benink & Slavens  
550 West C Street, Suite 530  
San Diego, CA 92101

Re: Public Records Act Request Submitted on August 21, 2015

Dear Mr. Benink:

This letter follows up our previous response letter, dated August 24, 2015, wherein we acknowledged receipt of your Request for Public Records and requested an extension to properly search our records and make a determination regarding the requested records.

While we had hoped to complete our review and assembly of records for release to you on or before September 14, 2015, we do need a little more time. Please be assured that we are now in the final stages of examining and preparing records, which are responsive to your request. To that end, the Town is providing you with our third set of documents responsive to your request. We will forward you additional responsive records upon final review.

We thank you for your patience, as we are making every effort to respond effectively to your request. Should you have any questions or concerns please do not hesitate to contact our office.

Sincerely,

Debra Thomas  
Deputy Town Clerk  
Records Management

cc: Frank Robinson, Town Manager  
John Brown, Town Attorney  
La Vonda M-Pearson, Town Clerk

Enclosure: One (1) CD

## EXHIBIT I

# KRAUSE, KALFAYAN, BENINK, & SLAVENS

A LIMITED LIABILITY PARTNERSHIP

550 WEST C STREET · SUITE 530  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE (619) 232-0331  
FACSIMILE (619) 232-4019

WWW.KKBS-LAW.COM

RALPH B. KALFAYAN  
ERIC J. BENINK  
VINCENT D. SLAVENS  
LYNNE M. BRENNAN  
BENJAMIN T. BENUMOF, SPECIAL COUNSEL  
JAMES C. KRAUSE (1950-2012)

4695 MACARTHUR COURT · SUITE 1460  
NEWPORT BEACH, CALIFORNIA 92660  
TELEPHONE (949) 287-4931  
FACSIMILE (888) 400-6263

VIC A. MERJANIAN  
VANESSA C. CARDINALE  
STEPHEN D. COUNTS  
PHILIP J. ALTIERI, OF COUNSEL

November 4, 2015

## **Via Facsimile and U.S. Mail**

Debora Thomas  
Deputy Town Clerk  
Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

Re: August 21, 2015 California Public Records Act Request

Dear Ms. Thomas:

As you are aware, I transmitted a Public Records Act request to the Town of Apple Valley on August 21, 2015. It has been approximately ten weeks and I have not received a full production of the responsive documents. My review of our prior communications reveals the following:

- You acknowledged that documents responsive to the following categories would be and have been produced: 1-4, 7-10, and 18-24.
- You produced a CD-ROM on October 22, 2015 containing documents, without any description of the categories to which they allegedly respond.
- You stated that documents have been withheld based on attorney-client and attorney-work product privileges, but you have not advised as to which categories such allegedly-privileged documents pertain.
- You have not advised as to which of the remaining categories (5, 6, and 11-17) will be responded to with a production of documents; instead you advised on October 22, 2015 that the Town "was in the final stages of examining and preparing records responsive" to my request.

I request the following from you:

1. Identification of the categories of documents to which the Town will respond (and has not already responded) with a production of documents.
2. Identification of the categories of documents to which the Town has previously withheld responsive documents.
3. If privileged documents are withheld in the future, the identification of the categories of documents to which the Town withholds documents.
4. A firm date on which all non-privileged responsive documents that have not yet been produced will be produced.
5. The identification of the categories of documents to which the documents contained on the CD-ROM (transmitted October 22, 2015) respond.
6. Identification of any category of document to which there are no responsive documents.

Regardless of the date on which you intend to complete the production, I would appreciate the foregoing information at your earliest convenience.

Thank you for your anticipated cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'EJB', is written over the printed name.

Eric J. Benink

EXHIBIT J

**KRAUSE, KALFAYAN, BENINK, & SLAVENS**

A LIMITED LIABILITY PARTNERSHIP

550 WEST C STREET · SUITE 530

SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 232-0331

FACSIMILE (619) 232-4019

RALPH B. KALFAYAN

ERIC J. BENINK

VINCENT D. SLAVENS

LYNNE M. BRENNAN

BENJAMIN T. BENUMOF, SPECIAL COUNSEL

JAMES C. KRAUSE (1950-2012)

WWW.KKBS-LAW.COM

4695 MACARTHUR COURT · SUITE 1460

NEWPORT BEACH, CALIFORNIA 92660

TELEPHONE (949) 287-4931

FACSIMILE (888) 400-6263

VIC A. MERJANIAN

VANESSA C. CARDINALE

STEPHEN D. COUNTS

PHILIP J. ALTIERI, OF COUNSEL

November 19, 2015

**Via Facsimile and U.S. Mail**

Debora Thomas

Deputy Town Clerk

Town of Apple Valley

14955 Dale Evans Parkway

Apple Valley, CA 92307

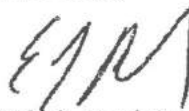
Re: August 21, 2015 California Public Records Act Request

Dear Ms. Thomas:

I have not received a response to my letter of November 4, 2015 requesting information pertaining to our August 21, 2015 California Public Records Act request ("Act"). Please be advised that unless we receive a satisfactory response by close of business tomorrow, November 20, 2015, we intend to initiate litigation next week to enforce our rights arising from the Town's failure to comply with the Act.

Thank you for your attention to this matter.

Sincerely,



Eric J. Benink

EXHIBIT K

Indian Wells  
(760) 568-2611

Irvine  
(949) 263-2600

Los Angeles  
(213) 617-8100

Riverside  
(951) 686-1450

**Thomas A. Rice**  
(909) 466-4913  
thomas.rice@bbklaw.com  
File No. 28314.00002

**BBK**  
**BEST BEST & KRIEGER**  
**ATTORNEYS AT LAW**

2855 E. Guasti Road, Suite 400, Ontario, CA 91761  
Phone: (909) 989-8584 | Fax: (909) 944-1441 | www.bbklaw.com

Sacramento  
(916) 325-4000

San Diego  
(619) 525-1300

Walnut Creek  
(925) 977-3300

Washington, DC  
(202) 785-0600

November 20, 2015

**VIA ELECTRONIC MAIL AND REGULAR U.S. MAIL**

Erik J. Benink  
Krause, Kalfayan, Benink & Slavens  
550 West C Street, Suite 530  
San Diego, CA 92101

Re: Public Records Act ("PRA") Request Received August 21, 2015 - Apple Valley Request No. 2015-242

Dear Mr. Benink:

As you may know, Best Best & Krieger LLP serves as Town Attorney for the Town of Apple Valley. Please accept this letter as the Town's response to your November 4 letter. I have addressed each of the requests made in that letter as follows:

1. *Categories of documents to which the Town will respond (and has not already responded) with a production of documents.*

The Town has gathered documents in response to every item of your original PRA request dated August 21, 2015 ("Request") and will continue to provide you with all non-privileged responsive documentation as quickly as staff time permits.

2. *Categories of documents to which the Town has previously withheld responsive documents.*

Town staff has clearly identified the privileges asserted when withholding any privileged information, which is all that is required under the PRA. Furthermore, the portions of emails and other documents that have been withheld are clearly redacted within those documents.

3. *In the future, . . . the categories of documents to which the Town withholds documents.*

The PRA does not require the Town to organize or categorize the documents responsive to records requests prior to producing documents. As one pertinent



**BBK**  
**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

Erik J. Benink  
November 20, 2015  
Page 2

case states, “. . . we find nothing in the [Public Records Act] itself that mandates any action *other than* opening for inspection the records identified as coming within the scope of the request or providing copies thereof at the expense of the person requesting copies.” (Elgin Haynie v. Superior Court of Los Angeles (2001) 26 Cal. 4th 1061, 1075.)

4. *A firm date on which all non-privileged responsive documents . . . will be produced.*

As stated in the Town’s previous correspondence to your office, the Town is making every effort to respond as quickly and as effectively as possible to the Request. However, given the extent of your Request and the voluminous number of records to be reviewed, this process has taken an enormous amount of staff time and resources. The Town will continue to work to fulfill your request and anticipates completing the review and release of responsive records by the end of this year. However, at this time the Town cannot provide a “firm date” regarding the completion of its response to your request.

5. *The categories of documents to which the documents contained on the CD-ROM (transmitted October 22, 2015) respond.*

As stated above, the PRA does not require the Town to organize or categorize documents provided for a records request. The documents contained in the CD-ROM transmitted to you on October 22, 2015 were electronic records consisting of e-mails and their attachments. While the Town is not required to match up responsive documents with the categories listed in your original request, we believe the contents of the responsive documents clearly indicate which categories apply.

6. *Any category of documents to which there are no responsive documents.*

At this point in the Town’s review, Town staff has not identified any specific categories of your original request for which there are absolutely no responsive documents. As of the date of this letter, Town staff anticipates there will be responsive documents for each category of your original request. If the situation changes, you will be notified.

Initiation of litigation by your office against the Town, as threatened in your letter dated November 19, 2015, would be inappropriate at this time. The Town has remained in constant contact with your office, sending out responsive documentation in sets as originally promised. The Town has kept you apprised of the continued review of responsive records and has often

**BBK**  
**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

Erik J. Benink  
November 20, 2015  
Page 3

gone above and beyond the requirements under the PRA in an attempt to respond to the Request. The Town will continue to make every effort to effectively respond to the Request, under the provisions of the PRA.

Should you have any questions or concerns regarding the matters addressed in this letter, or wish to discuss this issue further, please do not hesitate to contact me directly.

Sincerely,



Thomas A. Rice  
for BEST BEST & KRIEGER LLP  
Deputy Town Attorney  
Town of Apple Valley

cc: LaVonda Pearson, Town Clerk  
Frank Robinson, Town Manager  
John E. Brown, Town Attorney

EXHIBIT L



# Town of Apple Valley

A Better Way of Life

November 16, 2015

Mr. Eric J. Benink  
Krause, Kalfayan, Benink, & Slavens  
550 West C Street, Suite 530  
San Diego, CA 92101

RE: Public Records Act Request Received August 21, 2015 – Responsive Documentation –  
Request No. 2015-242

Dear Mr. Benink:

On August 21, 2015, the Town of Apple Valley received your request for records under the California Public Records Act (PRA) (Gov. Code §§ 6250 – 6276.48). Your request seeks documentation related to the Town's wastewater and waste management matters. We are still in the process of reviewing all of the records responsive to your request and are making the responsive records available for your review in sets.

In the next batch of responsive documents, you will find electronic records, which we believe respond to one or more of your itemized requests as listed below:

11. From January 1, 2013 through present, any and all communications (including emails and emails transmitted through private email accounts) to or from Town employees, contractors, council members, and attorneys related to or referencing the waste management (solid waste collection) franchise fees (currently 18% as referenced on page 63 of the Town's FY 15-16 budget.)
12. From January 1, 2013 through present, any and all communications (including emails and emails transmitted through private email accounts) to or from Town employees, contractors, council members, and attorneys related to or referencing the modification or proposed modification of any and all contracts/agreement with AVCO Disposal, Inc. (or its predecessors, affiliates, parents (Burrtec), and subsidiaries.)
16. Any and all documents (including memoranda, email, reports, spreadsheets, instructions, manuals, treatises, analyzes) that the Town relied upon in preparing the Cost Allocation Plan as set forth on page 257 of its FY 15-16 budget.

November 16, 2015

Mr. Eric J. Benink

Re: Public Records Act Request Received August 21, 2015 – Responsive Documentation –  
Request No. 2015-242

Page 2

17. For Fiscal Years ending June 30, 2012 through present, any and all documents that the Town relied upon in transferring and/or budgeting transfers of funds from its General Fund to Parks & Recreation Fund 2510 and AVGC Fund 5710. (See page 173 of the FY 15-16 budget.)
21. Documents describing the job duties of the Parks & Recreation Manager in effect since January 1, 2012.
22. Any and all documents that the Town relied upon in budgeting \$3.2 million for Ranchos Acquisition Efforts as reflected in the document titled Town of Apple Valley Ranchos Acquisition Efforts, a copy of which is enclosed herewith for your convenience.
23. Any and all documents (e.g. expenditure reports, accounting records, journal entries) that identify the accounts that have funded the so-called "direct" efforts to acquire Apple Valley Ranchos to date (allegedly totaling \$666,133), together with the amounts funded by each account.

Before providing any copies, please be advised that the Town may have redacted privileged correspondence and work product to be withheld from disclosure in response to your request. In all responsive documents released to you, we will be withholding documents and information that contains attorney-client communications, which are protected from disclosure by the attorney-client privilege (Cal. Evid. Code §§ 952, 954; Cal. Gov. Code § 6254, subd. (k)), as well as documents and information that are protected by the attorney work product privilege (Cal. Code Civ. Proc. § 2018.030).

Because the Town will not be providing certain exempt information in response to your request, the Public Records Act requires the Town to provide a written response when a records request is denied, either in whole or in part. (Gov. Code § 6255, subd. (b).) The Public Records Act also requires that notification of denial of any request for records must include the names and titles or positions of each person responsible for the denial. (Gov. Code § 6253, subd. (d).) With the name and title of the undersigned, this letter fulfills both of the aforementioned legal requirements.

November 16, 2015

Mr. Eric J. Benink

Re: Public Records Act Request Received August 21, 2015 – Responsive Documentation –  
Request No. 2015-242

Page 3

Please be assured that Town staff members will continue to make every effort to respond effectively to your request.

Sincerely,

**TOWN OF APPLE VALLEY  
OFFICE OF THE TOWN CLERK**

La Vonda M-Pearson, CMC  
Town Clerk

By:



Debra Thomas  
Deputy Town Clerk  
Records Management

cc: Frank W. Robinson, Town Manager  
Marc Puckett, Assistant Town Manager  
John E. Brown, Town Attorney  
La Vonda M-Pearson, Town Clerk

Enclosure: Invoice



A Better Way of Life

Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307  
[www.AppleValley.org](http://www.AppleValley.org)

SAN BERNARDINO

CA 924

17 NOV '15

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11/17/2015

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ZIP 92307  
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Eric J. Benink, Esq.  
Krause, Kalfayan, Benink & Slavens  
550 West C Street, Suite 530  
San Diego, California 92101



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EXHIBIT M





# Town of Apple Valley

A Better Way of Life

November 30, 2015

Mr. Eric J. Benink  
Krause, Kalfayan, Benink, & Slavens  
550 West C Street, Suite 530  
San Diego, CA 92101

RE: Public Records Act Request Received August 21, 2015 – Responsive Documentation –  
Request No. 2015-242

Dear Mr. Benink:

On August 21, 2015, the Town of Apple Valley received your request for records under the California Public Records Act (PRA) (Gov. Code §§ 6250 – 6276.48). Your request seeks documentation related to the Town's wastewater and waste management matters. We are still in the process of reviewing all of the records responsive to your request and are making the responsive records available for your review in sets.

In the next batch of responsive documents, you will find electronic records, which we believe respond to one or more of your itemized requests as listed below:

11. From January 1, 2013 through present, any and all communications (including emails and emails transmitted through private email accounts) to or from Town employees, contractors, council members, and attorneys related to or referencing the waste management (solid waste collection) franchise fees (currently 18% as referenced on page 63 of the Town's FY 15-16 budget.)
12. From January 1, 2013 through present, any and all communications (including emails and emails transmitted through private email accounts) to or from Town employees, contractors, council members, and attorneys related to or referencing the modification or proposed modification of any and all contracts/agreement with AVCO Disposal, Inc. (or its predecessors, affiliates, parents (Burrtec), and subsidiaries.)
16. Any and all documents (including memoranda, email, reports, spreadsheets, instructions, manuals, treatises, analyzes) that the Town relied upon in preparing the Cost Allocation Plan as set forth on page 257 of its FY 15-16 budget.

November 30, 2015

Mr. Eric J. Benink

Re: Public Records Act Request Received August 21, 2015 – Responsive Documentation –  
Request No. 2015-242

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17. For Fiscal Years ending June 30, 2012 through present, any and all documents that the Town relied upon in transferring and/or budgeting transfers of funds from its General Fund to Parks & Recreation Fund 2510 and AVGC Fund 5710. (See page 173 of the FY 15-16 budget.)
21. Documents describing the job duties of the Parks & Recreation Manager in effect since January 1, 2012.
22. Any and all documents that the Town relied upon in budgeting \$3.2 million for Ranchos Acquisition Efforts as reflected in the document titled Town of Apple Valley Ranchos Acquisition Efforts, a copy of which is enclosed herewith for your convenience.
23. Any and all documents (e.g. expenditure reports, accounting records, journal entries) that identify the accounts that have funded the so-called "direct" efforts to acquire Apple Valley Ranchos to date (allegedly totaling \$666,133), together with the amounts funded by each account.

Before providing any copies, please be advised that the Town may have redacted privileged correspondence and work product to be withheld from disclosure in response to your request. In all responsive documents released to you, we will be withholding documents and information that contains attorney-client communications, which are protected from disclosure by the attorney-client privilege (Cal. Evid. Code §§ 952, 954; Cal. Gov. Code § 6254, subd. (k)), as well as documents and information that are protected by the attorney work product privilege (Cal. Code Civ. Proc. § 2018.030).

Because the Town will not be providing certain exempt information in response to your request, the Public Records Act requires the Town to provide a written response when a records request is denied, either in whole or in part. (Gov. Code § 6255, subd. (b).) The Public Records Act also requires that notification of denial of any request for records must include the names and titles or positions of each person responsible for the denial. (Gov. Code § 6253, subd. (d).) With the name and title of the undersigned, this letter fulfills both of the aforementioned legal requirements.

November 30, 2015

Mr. Eric J. Benink

Re: Public Records Act Request Received August 21, 2015 – Responsive Documentation –  
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Please be assured that Town staff members will continue to make every effort to respond effectively to your request.

Sincerely,

**TOWN OF APPLE VALLEY  
OFFICE OF THE TOWN CLERK**

La Vonda M-Pearson, CMC  
Town Clerk

By:   
Debra Thomas  
Deputy Town Clerk  
Records Management

cc: Frank W. Robinson, Town Manager  
Marc Puckett, Assistant Town Manager  
John E. Brown, Town Attorney  
La Vonda M-Pearson, Town Clerk

Enclosure: Invoice

EXHIBIT N



# Town of Apple Valley

A Better Way of Life

November 30, 2015

**Via First Class Mail**

Eric J. Benink  
Krause, Kalfayan, Benink & Slavens  
550 West C Street, Suite 530  
San Diego, CA 92101

Re: Public Records Act Request Submitted August 21, 2015 – Request No. 2015-242

Dear Mr. Benink:

This letter follows up our previous response letter, dated August 24, 2015, wherein we acknowledged receipt of your Request for Public Records and requested an extension to properly search our records and make a determination regarding the requested records.

While we had hoped to complete our review and assembly of records for release to you on or before September 14, 2015, we do need a little more time. Please be assured that we are now in the final stages of examining and preparing records, which are responsive to your request. To that end, the Town is providing you with our additional records responsive to your request. We will forward you the balance of responsive records upon final review.

Because the Town will not be providing certain exempt information in response to your request, the Public Records Act requires the Town to provide a written response when a records request is denied, either in whole or in part. (Gov. Code § 6255, subd. (b).) The Public Records Act also requires that notification of denial of any request for records must include the names and titles or positions of each person responsible for the denial. (Gov. Code § 6253, subd. (d).) With the name and title of the undersigned, this letter fulfills both of the aforementioned legal requirements.

November 30, 2015

Eric J. Benink

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Page 2

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Sincerely,

**TOWN OF APPLE VALLEY  
OFFICE OF THE TOWN CLERK**

La Vonda M-Pearson, CMC  
Town Clerk

By:   
Debra Thomas  
Deputy Town Clerk  
Records Management

cc: Frank W. Robinson, Town Manager  
Marc Puckett, Assistant Town Manager  
John E. Brown, Town Attorney  
La Vonda M-Pearson, Town Clerk

Enclosure: One (1) CD