

Alexander, Jacquelyne

From: Robert Silverstein <robert@robertsilversteinlaw.com>
Sent: Wednesday, February 21, 2018 1:45 PM
To: Montez, Michelle; Morgantini, Richard; sbcob; Cleary, James
Cc: Esther Kornfeld; Veronica Lebron
Subject: Proposed Resolution of Necessity and other issues related to 324 De La Vina Street, Santa Barbara--RECEIVED

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ms. Montez:

I am checking with you re status of your office's response, especially given the upcoming 2/27/18 hearing date.

We have formally requested that the 2/27/18 hearing date (for all items pertaining to my client's property) be continued, including based on the need to resolve the CCP 1263.025 appraisal payment and CPRA issues. Please advise re status of that continuance request.

To facilitate and expedite discussion of key issues, I am copying here parts of my 2/7/18 letter.

1. Can staff please clearly inform us of the status of production of those documents? The County's written response and production related to our Friday, January 19, 2018 CPRA requests were due no later than **January 29, 2018**. We have received nothing to date; the County is in violation of the CPRA, and we contend, has waived any objections to our requests.^[1] If it would help to arrange a meeting or call with County staff to facilitate and expedite our receipt of the requested documents, we offer to do so at the earliest date possible. Please advise.

2. We are perplexed and alarmed by the County's substantially changed project description related to the overall project and proposed use/taking of my client's property. Those changes are the basis for the County's current proposed full taking of the property in fee, as opposed to the previously-disclosed partial (and some temporary) proposed takings of easements only.

3. Turning to the appraisal issue, as noted in my January 8, 2018 correspondence, the County's approach violates the law, and frustrates the purpose behind CCP § 1263.025 and Govt. Code § 7267.2. . . . By copy of this letter to Mr. Ghizzoni, I am requesting that these funds be provided without any conditions outside the plain language of the statute. . . . I am authorized to attempt to engage in discussions with the County.

4. I invite Mr. Ghizzoni to contact me to work through these various issues, and in furtherance of a potential global resolution of the disputes.

Please include this email in the record for this matter, and please distribute it, as well as all of my prior correspondence, to the Board members.

Kindly advise at your earliest convenience re the above issues. Thank you.

From: Robert Silverstein
To: Michelle Montez
CC: EK - Kornfeld, Esther; VL - Veronica Lebron
Date: 2/12/2018 1:16 PM
Subject: Re: Proposed Resolution of Necessity and other issues related to 324 De La Vina Street, Santa Barbara--RECEIVED

Thank you.

Pls add Esther and Veronica to any communications. I have copied them here.

Robert P. Silverstein, Esq.
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From: "Montez, Michelle" <mmontez@co.santa-barbara.ca.us>
To: "robert@robertsilversteinlaw.com" <robert@robertsilversteinlaw.com>
Date: 2/12/2018 1:04 PM
Subject: Proposed Resolution of Necessity and other issues related to 324 De La Vina Street, Santa Barbara--RECEIVED

Mr. Silverstein,

Our office received your February 7 and 8, 2018 letters. We are reviewing both and will respond.

Thank you,
Michelle Montez

Senior Deputy County Counsel
Santa Barbara County Counsel's Office
105 East Anapamu Street, Suite 201
Santa Barbara, California 93101
(805) 568-2950

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^{i[1]} On Monday, January 22, 2018 at approximately 7:30 a.m., the County sent links titled "De la Vina 1-4-18" and "De La Vina 1-5-18" only to my assistant, which were non-responsive (nor could they have been) to our Friday evening, 6:43 p.m., January 19, 2018 CPRA requests. The links sent appear to be repetitive of documents previously provided to Mrs. Mirtorabi. Similarly, on January 23, 2018 at 8:30 a.m., the County's Mr. Morgantini emailed a letter to Mrs. Mirtorabi only, even though the County by that date knew I represent Mr. and Mrs. Mirtorabi. Mr. Morgantini's letter expressly addressed only Mrs. Mirtorabi's December 20, 2017 email. My point is that to date, we have **not** received any of the separate documents required by, and responsive to, my detailed January 19, 2018 requests. The County has not even acknowledged my requests.

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