
Re: FORMAL ADMINISTRATIVE OBJECTION: Multi-Jurisdictional Fraud, Project Piecemealing, Resource Deception, and Ratepayer Exploitation

From Bonnie DeRosa <thebluerosa@yahoo.com>

Date Wed 9/23/2026 8:00 PM

To ClerkofBoard <clerkofboard@kerncounty.com>

Cc Department, Planning <Planning@kerncounty.com>; Zoning <Zoning@kerncounty.com>

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or provide information unless you recognize the sender and know the content is safe.

SUBJECT: Please accept this correspondence as the formal statement of intent and explicit action request regarding MANDATORY ADMINISTRATIVE FILING: FORMAL OBJECTION & TORT LIABILITY FOREWARNING – DOCKET NO. 26-SPPE-01

FORMAL ADMINISTRATIVE OBJECTION, MANDATORY NOTICE TO FILE, AND LIABILITY FOREWARNING FOR COMPLICIT OFFICIALS
TO: The Honorable Members of the Kern County Board of Supervisors & The Clerk of the Board
FROM: Bonnie DeRosa, Resident, Taxpayer, and Property Owner of Kern County ("Petitioner")
DATE: September 23, 2026
RE: Mandatory Recordation of Formal Administrative Objection and Criminal/Civil Enforcement Notice
PROJECT REFERENCE: RB Inyokern Data Center Project (CEC Docket No. 26-SPPE-01)

I. DIRECT STATEMENT OF FACT AND REASON FOR SUBMISSION

This document is formally submitted directly to the Clerk of the Board of Supervisors to establish a permanent, unalterable administrative record concerning the proposed land-use variations, zoning approvals, conditional use permits, and infrastructure setups for the RB Inyokern Data Center Project.

The developer, R&L Capital Inc., is executing a deliberate project piecemealing scheme under California Public Resources Code § 21000 (CEQA) by misrepresenting a unified 198 MW industrial footprint as an artificial 99 MW "Phase 1" development. This presentation on local planning applications is designed to evade comprehensive Environmental Impact Report (EIR) mandates, mask severe resource overdrafts from taxpayers, and exploit local county zoning laws. This submission satisfies the strict

requirements for the Exhaustion of Administrative Remedies under California Public Resources Code § 21177, establishing full standing for subsequent civil litigation, tort actions, and structural mandates against both the developer and any complicit regulatory body.

II. MANDATORY FILING DUTY OF THE CLERK OF THE BOARD

The Clerk of the Board possesses zero discretionary authority to reject, suppress, delay, or omit this filing. Under California law, you are bound by an absolute, non-discretionary ministerial duty to accept, log, and index this document immediately:

- The Filing Mandate: California Government Code § 25101 dictates that the Clerk *shall* preserve and file all petitions, applications, and logs of proceedings of the Board of Supervisors. Under California statutory construction, the word "shall" denotes a mandatory, non-discretionary obligation.**
- Due Process Preservation: Failure to index this document into the permanent project record violates the Petitioner's constitutional right to due process and directly interferes with their statutory right to create a complete administrative record prior to judicial review under Public Resources Code § 21177.**

III. LOCAL ZONING CODE VIOLATIONS AND LOCAL INCONSISTENCY

- 1. Zoning Inconsistency: The high-density resource consumption of this industrial data center project directly violates the core definitions and protective restrictions of unincorporated Kern County's agricultural and rural residential zoning classifications.**
- 2. SGMA Local Non-Compliance: Under CEQA Guidelines Appendix G, a lead agency must flag any project exhibiting a Statutory Inconsistency with local environmental plans. This project directly violates the Sustainable Groundwater Management Act (SGMA) implementation metrics established by the Indian Wells Valley Groundwater Sustainability Agency (IWVGSA). By facilitating a water-intensive industrial center in a critically overdrafted basin, the County acts in direct violation of state-mandated sustainability policies.**

IV. THE CONSEQUENCES OF FRAUD AND LACK OF TRANSPARENCY TO TAXPAYERS

- 1. Infrastructural Tax Burden: By masking a 198 MW project as a 99 MW project, the developer seeks to bypass the proportional local capital development fees and local traffic/infrastructure impact fees that a comprehensive EIR would mandate. This shifts the long-term financial burden of repairing road wear, developing secondary power transmission links, and managing aquifer drawdowns directly onto the local county taxpayers.**

- 2. Private Profit via Public Subsidy: Southern California Edison's (SCE) failure to provide unredacted, transparent cost tracking regarding substational upgrades hides the structural shifting of capital connection costs away from the developer and onto local property owners and domestic utility rate-payers.**

V. LEGAL VIOLATION CODES, MONETARY FINES, TORT LIABILITY, AND CRIMINAL JAIL SENTENCES FOR PUBLIC OFFICIAL FAILURE TO ACT

1. Willful Omission and Misconduct in Office (Criminal Jail Sentences & Fines)

- The Code Violation: California Government Code § 1222 & California Penal Code § 661.**
- Application: Under Government Code § 1222, every willful omission to perform any duty enjoined by law upon any public officer is a misdemeanor. If clerical or planning staff deliberately suppress, "hold," delay, or lose this filing to insulate the developer from administrative objections, they are committing a misdemeanor in office.**
- Criminal Penalties: Pursuant to California Penal Code § 19, a misdemeanor is punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding \$1,000, or by both. Under Penal Code § 661, the court may order the immediate removal of the official from office.**

2. Administrative Mandamus, Contempt, and Personal Incarceration

- The Code Violation: California Code of Civil Procedure § 1085 & § 1097 (Writ of Mandate).**
- Application: The routine act of date-stamping and archiving public submissions is a lower-level ministerial task, stripping the Clerk's Office of discretionary immunity under Government Code § 820.2.**
- Jail Sentence & Financial Penalties: Under Code of Civil Procedure § 1097, if a public official refuses or neglects to obey an administrative mandamus writ to file this record, a court may impose a personal monetary fine not exceeding \$1,000. If the public official persists in refusing to obey the mandate, the court shall order the official to be imprisoned until the writ is fully obeyed.**

3. Public Entity Liability for Failure to Perform Mandatory Duty (Tort Claim Act)

- The Code Violation: California Government Code § 815.6(California Tort Claims Act).**
- Application & Compensation: If the Clerk's Office fails to discharge its mandatory filing duties, the Clerk's Office and Kern County are strictly liable for injuries proximately caused by that failure. The Petitioner will**

seek full compensatory financial damages for the deprivation of procedural rights, including the immediate recovery of all associated legal expenses, expert engineering witness expenses, and attorney fees under California Code of Civil Procedure § 1021.5.

4. Project Fraud and Public Nuisance Liability (Applicable to County Approvals)

- **Civil Code § 1709 & § 1710 (Fraud and Deceit): Notice is hereby given to the Board of Supervisors that proceeding with approvals under the current SPPE framework ignores documented multi-jurisdictional misrepresentations. The local tax base will be insulated from liability by pursuing direct uncapped Punitive Damages under Civil Code § 3294 directly against R&L Capital Inc. and its corporate officers.**
- **Civil Code § 3479 & § 3480 (Public Nuisance): The proposed extraction of up to 32 million gallons of groundwater annually upon Phase 2 completion from a critically overdrafted basin constitutes an immediate public nuisance threatening all residential occupants and domestic private well owners within a 50-mile radius. The Board of Supervisors is requested to exercise its authority to issue an immediate stop-work order or denial of land-use permits to abate this public nuisance before irreparable harm occurs.**

VI. STATUTORY VALIDITY OF ELECTRONIC FILING

The Petitioner transmits this administrative document electronically via email. Pursuant to California Civil Code § 1633.7 (UETA), California Government Code § 16.5, and California Rules of Court, Rule 2.257(b), this electronic record is completely valid without a physical signature. The transmission data path, timestamp, and sender metadata automatically generated by the email server serve as the conclusive digital audit trail verifying the attribution of the document to the Petitioner under Civil Code § 1633.9. Denying or ignoring this submission on the technical basis that it lacks a physical "wet" signature constitutes an explicit breach of mandatory filing duties under Government Code § 25101.

VII. NOTICE OF DEMAND AND ACKNOWLEDGMENT

The Clerk is hereby demanded to log this submission and return an electronic acknowledgment of receipt to the Petitioner's transmitting email address immediately. Any action to dilute, reject, or ignore this submission constitutes an explicit trigger for the state tort liabilities, criminal misdemeanor prosecutions, personal incarceration mandates, and civil litigations cited herein.

- **Reason for Sending: This document is a formal administrative objection and petition submitted by a resident, taxpayer, and property owner of Kern County. It establishes an official stakeholder position and outlines critical legal, environmental, and resource concerns**

regarding the proposed RB Inyokern Data Center Project (Docket No. 26-SPPE-01).

- Intent of the Email: The intent is to enter this formal objection into the official administrative record so that it must be reviewed and addressed by the Board of Supervisors prior to any vote, zoning approval, or permitting of this project.

- Specific Actions Requested from the Clerk's Office:

1. File and Index: Please formally file this document and index it under the official administrative record for the RB Inyokern Data Center Project (Docket No. 26-SPPE-01).
2. Distribution: Please distribute copies of this complete objection and petition to all Honorable Members of the Kern County Board of Supervisors, Planning Department and Zoning Department for their immediate review.
3. Confirmation: Please reply to this email to confirm that this document has been received, filed, and distributed to the Supervisors.
4. Subject: MANDATORY RECORDATION: Formal Administrative Objection – RB Inyokern Data Center Project (Docket No. 26-SPPE-01)

Pursuant to California Government Code § 25101, you are under a mandatory, non-discretionary ministerial duty to preserve, file, and log all public petitions directed to the Board.

Attached is a Formal Administrative Objection, Petition for Relief, and Notice of Tort Liabilities concerning the proposed land-use variations, infrastructure setups, and environmental reviews for the RB Inyokern Data Center Project. This electronic record is submitted via email without a physical signature pursuant to California Civil Code § 1633.7 and California Rules of Court, Rule 2.257(b).

Please log this into the permanent administrative record for this project and distribute copies to all five sitting Board Supervisors immediately. Kindly reply to this email to confirm receipt and recordation.

Respectfully submitted,

Bonnie DeRosa
Resident, Taxpayer, and Property Owner of Kern County

Respectfully submitted,
Bonnie DeRosa
Resident, Taxpayer, and Property Owner of Kern County
Submitted via Verified Electronic

BY ORDER OF THE BD/SUPV
Referred To _____
Copies Furnished Each Supervisor, Clerk, Counsel, Planning
Date _____
Clerk of the Board of Supervisors
By [Signature], Deputy

BY ORDER OF THE BOARD

Related to

Copies Furnished

Date

Clerk of the Board of Supervisors

By Deputy