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September 4, 2003

SENT BY CERTIFIED MAIL

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

Re: Compliance with California Public Records Act (Gov. Code § 6250 et seq.)

Dear Mr. Robey:

On August 8, 2003, this firm on behalf of the Anderson Springs Community Alliance ("ASCA") requested documents related to the County's use of AB 1905 funds. As of this date, September 4, 2003, I have received no notification from the County that the County intends to comply with ASCA's request.

The County is in violation of California Public Records Act section 6253's requirement that upon a request for a copy of records a public agency will ". . . *within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor.*" (Gov. Code §6253, emphasis added.)

This letter serves as notice that ASCA is prepared to institute proceedings for injunctive relief and/or declaratory relief to enforce its absolute right of access to these documents. I am sure you are aware that Section 6259(d) provides that a reviewing court ". . . shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section." (Gov. Code §6259.)

Government Code section 6259 authorizes members of the public to institute judicial proceedings to compel disclosure of public records that are being improperly withheld, and authorizes a reviewing court to award reasonable attorney fees to the plaintiff if the plaintiff prevails. Section 6259 was enacted to carry out the public purposes of the California Public Records Act. Through the device of awarding attorney fees, citizens can enforce its salutary and public policy objectives. (*Braun v City of Taft* (1984, 5th Dist) 154 Cal App 3d 332, 201 Cal Rptr 654.)

As an elected official, with obligations to the citizens which you represent, I hope that you would not allow the County to violate important public policy requirements of the California Public Records Act. In addition, in this time of budgetary crisis, I suggest that you not waste valuable taxpayer funds by having a reviewing court require the County to pay my attorney's fees and court costs in pursuing this action.

I expect an immediate response to this letter. Otherwise, I will be forced to pursue this action in court.

Sincerely,



Allison Hargrave, Lead Counsel for the
Anderson Springs Community Alliance

cc: SENT BY US MAIL

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