

May 28, 2021

Via Electronic Mail

Rath Moseley
South Feather Water & Power
2310 Oro Quincy Highway
Oroville, CA 95966
rmoseley@southfeather.com

Re: Public Records Act Request

Dear Mr. Moseley:

Pursuant to the Public Records Act (Gov. Code, § 6250 et seq.), this letter serves as a request that the South Feather Water & Power Agency (SFWPA) furnish all public records prepared, received, owned, used, transmitted, or possessed (including, without limitation, those constructively possessed) by SFWPA which are responsive to the categories listed below. This request applies to all public records as defined in Government Code section 6252, subdivision (e), which includes any electronic mail and “writing,” as defined in Government Code section 6252, subdivision (g).

In this request, SFWPA includes SFWPA itself, any and all persons acting on behalf of SFWPA, as well as SFWPA’s Board of Directors, officers, representatives, agents, employees, affiliates, consultants, and individual directors. The Oroleve Ditch Project refers to the project by North Yuba Water District to pipe portions of the Oroleve Ditch.

DEFINITIONS

1. “Document” and/or “Writing” means every public record that is known to SFWPA and which SFWPA can locate or discover by reasonably diligent efforts and includes:

- Documents, communications, letters, memoranda, notes, reports, papers, files, books, records, contracts, agreements, telegrams, electronic mail (saved or deleted), texts (saved or deleted), and other communications sent or received;

Rath Moseley

Re: Public Records Act Request

May 28, 2021

Page 2

- Printouts, calendars, drafts, tables, compilations, tabulations, charts, spreadsheets, graphs, recommendations, accounts, worksheets, logs, work papers, minutes, notes, summaries, speeches, presentations, and other written records or recordings of or relating to any conference, meeting, visit, interview, or telephone conversations;
 - Bills, statements, invoices, and other records of any obligation or expenditure, cancelled checks, vouchers, receipts, and other records of payment;
 - Financial and statistical data, analyses, surveys, and schedules;
 - Audiotapes and videotapes and cassettes and transcripts thereof, affidavits, transcripts of testimony, statements, interviews, and conversations;
 - Printed matter (including published articles, speeches, newspaper clippings, press releases, and photographs);
 - Microfilm and microfiche, disks, computer files, electronically stored data (including the metadata associated with any such written and/or spoken content), electronically stored information, electronic devices, film, tapes, and other sources from which information can be obtained, including materials used in electronic data processing; and
 - Documents and writings on personal devices and/or personal accounts including, but not limited to, text messages, voicemails, and emails.
2. “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
3. “Electronically stored information” means information that is stored in an electronic medium, including data, metadata, and all electronically stored data or information.
4. “Relating to” means analyzing, concerning, describing, discussing, evidencing, mentioning, proving, referencing, regarding, supporting, commenting upon, opining about, pertaining to, referring to and/or relating to, whether directly or indirectly.

REQUEST

Please provide or otherwise make available for review copies of the following:

1. All documents constituting or referencing communications between Charles Sharp and Rath Moseley during the period of February 1, 2020 and August 31, 2020.
2. All documents constituting or referencing communications between Charles Sharp and any member of the SFWPA Board of Directors during the period of February 1, 2020 and August 31, 2020.
2. All documents referencing or relating to the Oroleve Ditch during the period of February 1, 2020 to the present.

Pursuant to Government Code section 6253.9, subdivision (a), I request any record that is available in electronic format to be provided in electronic format. If any computer programming services are necessary to export the data or files into the requested format, and SFWPA intends to charge for such costs pursuant to Government Code section 6253.9, subdivision (b), I hereby request to be advised of such costs immediately.

Records produced in response to this request should be produced as they are kept in the usual course of business. All electronically stored information shall be produced in its native format with all metadata intact. We request that all hard-copy records be scanned and produced electronically in Adobe Acrobat PDF format. In light of COVID-19, we request that all records produced in response to this request be transmitted to NYWD electronically. If the response is voluminous, we request that you produce responsive records on a rolling basis.

Please contact me within ten (10) business days of this request to let me know if SFWPA has any of the public records requested herein. Should you decide to withhold any of the requested records, please provide a written response in accordance with Government Code section 6255 that specifies the basis for withholding the records. I can be reached at (916) 212-2862 or via email at ktaber@somachlaw.com. Thank you for your attention to this matter.

Very truly yours,


Kelley M. Taber

cc: Dustin Cooper, Esq. (Vie email: dcooper@minasianlaw.com)