

September 5, 2019

**SENT VIA EMAIL (tkerr@arfed.org)**

Timothy R. Kerr, General Manager  
American River Flood Control District  
185 Commerce Circle  
Sacramento CA 95815

**RE: Public Records Act Request**

Dear Mr. Kerr:

Pursuant to the provisions of the California Public Records Act (Gov. Code, §§ 6250 et seq.), please make available for inspection and copying all documents produced by or otherwise in the possession, custody, or control of the American River Flood Control District pertaining to the following items, dating back to January 1, 2017:

- Any and all documents related to the timing and frequency of maintenance and repair activities on levee tops under your jurisdiction between the H Street Bridge and the Elvas Freeway overpass.
- Any and all documents related to the timing and frequency of maintenance and repair activities on dirt trails at the water side toe of the levees between the H Street Bridge and the Elvas Freeway Overpass (as applicable).
- Any and all documents related to the types of equipment and numbers of employees needed to accomplish the maintenance and repair of levees between the H Street Bridge and the Elvas Freeway Overpass.
- Any and all documents related to safety practices employed to prevent conflicts between the public accessing the levee tops and dirt paths at the water side toe of the levees between the H Street Bridge and the Elvas Freeway Overpass.
- Any and all documents related to accident reports filed by American River Flood Control District employees and/or the public related to injuries suffered due to unsafe maintenance and repair conditions/practices on levee tops and the dirt paths

on the water side toe of the levees between the H Street Bridge and the Elvas Freeway Overpass.

- Any and all documents illustrating the American River Flood Control District's public campaigns and outreach designed to educate and deter park visitors from engaging in unsafe behavior vis a vis the District's ongoing maintenance and repair activities.
- Any and all documents related to plans/procedures for closing down the levee tops and dirt trails at the water side toe of the levees between the H Street Bridge and the Elvas Freeway Overpass to the public in emergencies.

Please let me know if you have any questions regarding the scope of this request.

By "documents" I mean all letters, memoranda, electronic mail ("e-mail") communications, reports, analyses, notes, maps, diagrams, ordinances, resolutions, findings, photographs, draft documents, notices, or other written or recorded materials pertaining to the requested topic and in the possession, custody or control of the American River Flood Control District.

This request is made pursuant to the California Public Records Act. (Gov. Code, §§ 6250, et seq.) The request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(b) provides that any statutory right to information shall be broadly construed to provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed.

The American River Flood Control District must provide access to its records unless the records fall within one of the specific exemptions enumerated in the Public Records Act. (*State of California Ex. Rel. Division of Industrial Safety v. Superior Court* (1974) 43 Cal.App.3d 778, 783.) The overarching policy of the Public Records Act favors disclosure, and a refusal to disclose information can only be based on specific exceptions enumerated in the Act. (*Lorig v. Medical Board* (2000) 78 Cal.App.4th 462, 467.) If the American River Flood Control District believes any of the records are exempt from disclosure by the Public Records Act and withholds any documents, then the agency must notify the requestor that some documents were withheld and provide the exemption(s) that justified withholding the documents. (See Gov. Code, § 6255; *Haynie v. Superior Court* (2001) 26 Cal.4th 1061, pp. 1072-74.) The American River Flood Control District is obligated to make the records "promptly available," as well as to promptly respond to the individual making the request. (Gov. Code, § 6253.)

I prefer to receive the documents in electronic format. Please contact me to make copying arrangements and with an estimate of duplication costs, if any, once the responsive materials are located.

Very truly yours,

**SOLURI MESERVE**  
A Law Corporation

By:

Osha R. Meserve

ORM/mre

cc: Betsy Weiland, Land Use Chair, Save the American River Association  
(flweiland@yahoo.com)