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ATTORNEY AT LAW

"EFFICIENCY, EFFECTIVENESS, EXCELLENCE"

August 19, 2019

Ms. Hannah Raleigh
Records Management
TOWN OF APPLE VALLEY
14955 Dale Evans Parkway
Apple Valley, California 92307

RE: Public Records Request numbered 2019-292
Requesting Party: Town Resident Greg Raven

Dear Ms. Raleigh:

This office represents Mr. Greg Raven in his Public Records Act request, made pursuant to Cal. Gov't. Code §6250 et seq., regarding the list of expenditures paid by the Town on its intended "take-over" of the water utility (previously Apple Valley Ranchos, now Liberty Utilities), for the period of January 1, 2012 to the present. The Public Records request included a request for the provision of all "Transparency Reports".

Public Records Request No: 2019-292 was originally made on July 24, 2019. A cursory response was provided by Town Records Management on July 25, 2019, and referred solely to two transparency reports and a budget with figures calculated through August of 2016. The response was woefully deficient and Mr. Raven requested the Town properly respond with the appropriate documentation. It is noted that some documentation may well be subject to redaction due to the attorney client relationship, but the expenditures of money, the amounts paid and to whom, are not subject to redaction or exclusion under a public records act exemption. See Cal. Gov't Code §6254 and note that exclusion b. is not applicable to this request for records concerning payments.

Appropriately, the Town advised the requesting party of the need for an extension to respond. The Town further advised the requesting party that it would provide the records by August 8, 2019. ***It did not.***

After additional follow-up by Mr. Raven, the Town responded on August 12, 2019, or rather violated the Public Records Act by avoiding response, stating it had no further records, and submitting a self-serving, unsubstantiated statement as follows:

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"Thank you for your interest in the condemnation action filed by the Town against Liberty Utilities. As you know, the Town is working hard for residents who have demanded local control of water. To date, the Town has incurred a total of \$2,703,094.15 in legal fees and costs, which includes the costs associated with experts. To put that in context for customers of Liberty Utilities, in 2014, shortly before the Town began its acquisition efforts, the company applied for a general rate increase of \$3,127,463 for 2015, \$2,056,455 for 2016, and \$2,160,731 for 2017. More recently, in 2018, the company requested increases of \$985,8222 for 2019, \$1,314,325 for 2020, and \$987,227 for 2021. In addition, as a courtesy, we would ask that you request that Liberty provide you with the same information. Historically, the company has refused to be transparent about this information."

This lack of response is a clear violation of the California Public Records Act and is considered a refusal to provide public records in accordance with the law. The Town obviously has records to support the alleged figure of money spent and it refuses to release them. The ongoing "blather" regarding unrelated Liberty Utility rate activities and your "courtesy" request is of no interest to Mr. Raven and frankly is an insulting deflection of your responsibility.

According to Orlando Acevedo, who testified under oath in the eminent domain proceedings, the amount of money the town has spent on the acquisition efforts may not be "readily available" from the Town website, but it would "be provided" upon request to him or via a public records request. My client has made such a request and the Town has failed to produce the information.

Please be advised that in an abundance of courtesy, we request that Public Records Request no: 2019-292 be completed and all documentation be available on or before August 31, 2019. Any failure to respond will result in an action pursuant to Cal. Gov't Code §6250, et seq..

Please respond to the undersigned.

Yours very truly,



DIANA J. CARLONI
Attorney at Law

di/copy: G. Raven