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9 GRASS VALLEY NEIGHBORS

FILED
Superior Court Of California,
Sacramento
08/15/2018
mrubalcaba
By _____, Deputy
Case Number:
34-2018-80002957

10 SUPERIOR COURT OF CALIFORNIA

11 COUNTY OF SACRAMENTO

12 GRASS VALLEY NEIGHBORS, a nonprofit
13 unincorporated association,

14 Petitioner/Plaintiff,

15 vs.

16 CALIFORNIA STATE WATER
17 RESOURCES CONTROL BOARD, BY AND
18 THROUGH THE CENTRAL VALLEY
19 REGIONAL WATER QUALITY CONTROL
20 BOARD; YUBA COUNTY, BY AND
21 THROUGH ITS BOARD OF
22 SUPERVISORS; CALIFORNIA
23 DEPARTMENT OF FISH AND WILDLIFE;
24 CENTRAL VALLEY FLOOD PROTECTION
25 BOARD; and DOES 1-20, inclusive,

26 Respondents/Defendants.

27 _____ /
28 YUBA COUNTY MOTORPLEX, LLC, a
Delaware limited liability company; YUBA
COUNTY ENTERTAINMENT, LLC, a
Delaware limited liability company; and
DOES 21-40, inclusive,

Real Parties in Interest.

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CASE NO.

NOTICE AND REQUEST TO PREPARE
THE RECORD OF PROCEEDINGS
(Pub. Res. Code § 21167.6(a))

Filed Pursuant to the
California Environmental Quality Act

1 TO: YUBA COUNTY, BY AND THROUGH ITS BOARD OF SUPERVISORS:

2 PLEASE TAKE NOTICE THAT, pursuant to Public Resources Code §21167.6(a),
3 Petitioner/Plaintiff GRASS VALLEY NEIGHBORS (“Petitioner”) requests that Respondent/
4 Defendant YUBA COUNTY (the “County”) prepare the record of proceedings, if any, before the
5 YUBA COUNTY BOARD OF SUPERVISORS concerning actions taken to develop/grade/
6 construct in the Raceway Property (Measure R Property) at any time from January 2017 to the
7 present (the “Project”). Petitioner is unaware if any such record exists, since Petitioner is
8 informed and believes that no hearings were held relative to the actions described in the CEQA
9 Writ, but nonetheless provides this Notice and Request in compliance with the CEQA codes
10 and/or in the event such a record exists unknown to Petitioner. If no record exists as part of a
11 formal hearing process, Petitioner requests any and all communications/writings related to the
12 subject matter as described in the CEQA Writ to constitute the Record in this proceeding. The
13 record of proceedings shall include all those documents and transcripts listed in and required by
14 Public Resources Code §21167.6(e), including but not limited to:

- 15 • All documents received from or provided to any member of the public regarding
16 the Project (*see* subd. (e)(6) and (7)). This includes documents – including draft
17 documents – shared between the County, the County’s consultants, and Real
18 Parties in Interest, their representatives, and/or their counsel. *Citizens for Ceres v.*
19 *Superior Court* (2013) 217 Cal. App. 4th 889;
- 20 • Transcripts of Yuba County Board of Supervisors hearings on the Project (*see*
21 subd. (e)(4));
- 22 • Any non-privileged internal or external communications regarding the Project,
23 including letters, memoranda, emails, staff notes, etc. (*see* subd. (e)(6), (7), and
24 (10). *Citizens for Ceres v. Superior Court* (2013) 217 Cal. App. 4th 889.

25 In order to expedite the litigation, Petitioner requests that the County circulate a proposed
26 index of the Record of Proceedings to Petitioner for review and comment before lodging the
27 final Record of Proceedings with the Court. In addition, should the County assert any documents
28 that would otherwise be included in the record are excluded due to some applicable privilege,

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1 Petitioner requests that the County identify those documents by author, recipient(s), date, and
2 basis for privilege claim in a privilege log or similar device.

3 Respectfully submitted,

4 Dated: August 14, 2018

5 BRIGIT S. BARNES & ASSOCIATES, INC.,
6 A Law Corporation

7 By: 

8 Brigit S. Barnes, Attorneys for
9 Petitioner/Plaintiff
10 GRASS VALLEY NEIGHBORS