August 11, 2022

VIA EMAIL

Robert Kahn

Re: Carmel Unified School District
Response to California Public Records Act Request No. 2223-02
Our file no. 1885.210001

Dear Mr. Kahn:

On behalf of our client, Carmel Unified School District (“District”), this letter responds to your recent request, received August 1, 2022, for records under the California Public Records Act (“CPRA”), Gov. Code, § 6250 et seq.

In accordance with Government Code section 6253.1, the District understands your request as seeking the following three (3) categories of records, with certain subcategories as listed:

- **CPRA Request Category 1:** For the current swimming pool lights at Carmel High School, records identifying:
  - (a) the foot-candles and/or lumens the current pool lights emit;
  - (b) the manufacturer of the current pool lights, including model and type;
  - (c) any study the District had done to determine the distance the current pool lights can be seen from and the intensity of the light at such distance(s); and
  - (d) a timetable or schedule of swimming events at the Carmel High School pool.

- **CPRA Request Category 2:** For the proposed stadium lights at Carmel High School, records identifying:
  - (a) the foot-candles and/or lumens the proposed stadium lights would emit;
  - (b) the proposed manufacturer for the proposed stadium lights, including model and type; and
  - (c) any study the District had done to determine the distance the proposed stadium lights could be seen from and the intensity of the light at such distance(s).
• CPRA Request Category 3: Records identifying any and all alternatives to the proposed stadium lights at Carmel High School that the District has considered as a way to minimize potential damage and/or negative impact from the proposed stadium lights.

Please notify us if we have misunderstood the scope of your request. Additionally, with respect to Category 1(d), please clarify if you are seeking a timetable/schedule for the 2021/2022 school year or for some other year or years.

In general, the following records, among others, are exempt from disclosure: (1) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business (Gov. Code, § 6254(a)); (2) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to the official information privilege, as well as trade secrets or other confidential or proprietary information (Gov. Code, §6254(k); Evid. Code, §§ 1040 & 1060); (3) Records exempt from disclosure under the deliberative process privilege, work product or attorney-client privilege, or the public interest exemption (Gov. Code, §§ 6254.25 & 6255; Evid. Code, § 950 et seq.; Citizens for Open Gov. v. City of Lodi (2012) 205 Cal.App.4th 296, 305; City of San Jose v. Superior Court (1999) 74 Cal.App.4th 1008, 1019); (4) Records pertaining to pending litigation or claims (Gov. Code, §§ 6254(b) & 6254.25); (5) The contents of real estate appraisals or engineering or feasibility estimates and evaluations relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained; and (6) Any other public records exempt from disclosure under Government Code section 6254 et seq., or other applicable law. Furthermore, the CPRA only requires production of records which exist at the time of the request, and the District is not required to create records in order to respond to requests. (Gov. Code, §§ 6252 & 6253; Haynie v. Sup. Ct. (2001) 26 Cal.4th 1061). To the extent your request seeks any of the foregoing, such records are exempt from disclosure, and the District is unable to produce such exempt and non-disclosable records, except as otherwise set forth above.

Without waiving its rights or any other objections that may be available to it, please be advised that the District has determined it has disclosable records responsive to your request. The District is in the process of locating, reviewing, and compiling these records and expects to provide them once that process is complete.

With respect to Categories 2 and 3, the prior draft Environmental Impact Report (“EIR”) for the District’s Carmel High School Stadium Lights Project (“Project”) may be responsive to your request. The District previously provided this document to you in response to your request number 2223_03. (A copy is available at https://www.carmelunified.org/Page/6026. Please see 2223_03 at Final Response.)

To the extent your request seeks records pertaining to the forthcoming revised draft EIR that the District has not yet completed, the District has determined that such records are presently exempt from disclosure under the exemptions, noted above, for (1) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business; and (2) Records exempt from disclosure under the deliberative process privilege, work product or attorney-client privilege, and/or the public interest exemption. At this time, the District has no responsive disclosable records pertaining to the forthcoming
revised draft EIR. The District will publicly release the revised draft EIR at a later date in August 2022.

Thank you for your patience while the District completes its response to your CPRA request. In the meantime, if you have any questions, please contact this office.

Sincerely,

DANNIS WOLIVER KELLEY

Reid D. Shannon

Attachment

c: Jessica Hull, Director of Communications and Community Relations (Carmel Unified School District)
Tricia Zarevich, Confidential Administrative Assistant to the Superintendent (Carmel Unified School District)
Jessika K. Johnson, Esq. (Dannis Woliver Kelley)
Tiffany Scarborough, Esq. (Scarborough Law)