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REID D. SHANNON
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Long Beach

August 4, 2022

VIA EMAIL

Robert Kahn
rkinsocal@aol.com

Re: Carmel Unified School District
Response to California Public Records Act Request, received July 25, 2022
Our file no. 1885.210001

Dear Mr. Kahn:

On behalf of our client, Carmel Unified School District ("District"), this letter responds to the portion of your email, received July 25, 2022, that the District has interpreted as a request for records under the California Public Records Act ("CPRA"), Gov. Code, § 6250 *et seq.* We will respond to the other portions of your July 25, 2022 email by separate letter at a later date.

For the purposes of the CPRA, the relevant portion of your July 25, 2022 email stated:

"[P]lease highlight the difference between the 2008 (Perf Center, pool, pool lights) event and the current event. In short, as it applies to my A) Why is an EIR necessary now, but was not necessary in 2008. *Please highlight community outreach, notifications and other mechanisms that you used to invite and engage the community in what you were doing.. . .*" (Emphasis added.)

In accordance with Government Code section 6253.1, the District understands your request as seeking the following single category of records:

- CPRA Request Category: Records containing community outreach, including notifications and other mechanisms to invite and engage the community, by the District: (1) in 2008 for the following components of the District's Modernization and New Construction Project at Carmel High School: (a) the new theater building and (b) the new swimming pool; and (2) the proposed Carmel High School Stadium Lights Project to date.

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Please notify us if we have misunderstood the scope of your request.

Upon completion of the District's search, collection, and examination of records, only those documents that meet the definitions contained in the CPRA and are not otherwise exempt from disclosure will be produced. The District reserves all objections at this time.

Please note that 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). Therefore, the District is unable to "highlight" any records or create records that do not exist because this would be inconsistent with the CPRA.

With respect to the records that you seek concerning the Modernization and New Construction Project, please note that this Project was deemed exempt from the California Environmental Quality Act ("CEQA") in 2008.¹ In general, please be advised that a public agency is not required to file a notice of exemption, provide notice to the public, seek public comment, or hold a public hearing before deciding that a project is exempt from CEQA or before approving an exempt project. (*San Lorenzo Valley Community Advocates for Responsible Educ. v. San Lorenzo Valley Unified Sch. Dist.* (2006) 139 Cal.App.4th 1356, 1385; see also 14 Cal. Code Regs., §15062(a).) Accordingly, apart from the Board Agenda records previously provided to you, the District does not have any other disclosable records responsive to this particular component of your request.

Thank you for your patience while the District prepares 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

cc: 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)

¹ Please refer to Board Resolution No. 08-08, dated February 11, 2008, along with the agenda and minutes from the February 11, 2008 Board Meeting, which were previously provided to you on March 21, 2022 in response to CPRA Request no. 2122-24.