



DANNIS WOLIVER KELLEY

Attorneys at Law

JESSIKA K. JOHNSON

Attorney at Law

jjohnson@DWKesq.com

San Francisco

June 30, 2022

VIA E-MAIL

Fran Dillard

[Redacted]

Re: Carmel Unified School District: California Public Records Act Request #2122-26  
Our File No.: 1885.210001

Dear Ms. Dillard:

On behalf of our client, Carmel Unified School District ("District"), this letter supplements our correspondence, dated June 7, 2022, in response to your recent request for records (#2122-26) under the California Public Records Act ("CPRA"), with respect to your CPRA Request Category 1 and Category 2:<sup>1</sup>

- CPRA Request Category 1: "...any all correspondence (emails written analysis, letters, etc): that came to this resolution including the details of:
  - comparison of current performing art center to previous.
  - comparison of any previous pool? Was there one?
    - The process, discussion and correspondence of why the action [does not] result in a direct or indirect change in the environment?
    - The evidence that with certainty that there is no possibility that the construction of neither project had a significant or even potentially significant effect on the environment?
    - Evidence and correspondence that a Notice of Exemption was filed with the county clerk?

**SAN FRANCISCO**  
200 California Street  
Suite 400  
San Francisco, CA 94111  
TEL 415.543.4111  
FAX 415.543.4384

**LONG BEACH**  
444 W. Ocean Blvd.  
Suite 1070  
Long Beach, CA 90802  
TEL 562.366.8500  
FAX 562.366.8505

**SAN DIEGO**  
750 B Street  
Suite 2600  
San Diego, CA 92101  
TEL 619.595.0202  
FAX 619.702.6202

**CHICO**  
2485 Notre Dame Blvd.  
Suite 370-A  
Chico, CA 95928  
TEL 530.343.3334  
FAX 530.924.4784

**SACRAMENTO**  
555 Capitol Mall  
Suite 645  
Sacramento, CA 95814  
TEL 916.978.4040  
FAX 916.978.4039

**BERKELEY**  
2087 Addison Street  
2nd Floor  
Berkeley, CA 94704  
TEL 510.345.6000  
FAX 510.345.6100

**FRESNO**  
7170 N. Financial Drive  
Suite 135  
Fresno, CA 93720  
TEL 559.388.5802  
FAX 559.388.5803

<sup>1</sup> The District completed its response with respect to your CPRA Request Category 3 (#2122-26) on June 7, 2022.

- Neither project was a minor change or replacement. Please provide any and all evidence that includes emails and correspondence leading to this conclusion.”
- CPRA Request Category 2: “It is also clear from the documentation that both the performing art center and pool are new facilities not minor changes to existing facilities with exact usage. Please provide all cor[r]espondence including any writing containing information related to this outcome that includes letters, words, pictures, sounds, or symbols or combinations thereof and any record created regardless of the manner in which the record has been stored.”

On March 31, 2022, you provided clarification with respect to your CPRA requests as follows:

“I believe the Carmel Unified School District Superintendent at that time was Marvin Biasotti, who is now leading the Carmel Foundation. Please confirm all his e-mails that have the key words performing art center, theater, pool, etc are provided. I'm going to assume most of the documentation may have been written during 2008, so there should be files that need to be scanned or I can pick-up copies.”

Notwithstanding the objections raised in our previous correspondence, based on the District’s understanding of your request as set forth in its March 31, 2022 correspondence, as well as in our June 7, 2022 correspondence, the District has determined that it has disclosable and responsive records to your request, as follows:

- Carmel High School Performing Arts Center/Theater Project Documents, including but not limited to, Board documents; advertisements; bid documents and addenda; bid protests; contract documents and change orders; bonds; purchase orders; plans; insurance documents; project meeting minutes; Architect documents; DSA documents; schedule of values; submittal logs; application and certificate for payment; preliminary notices; certified payroll records; punch list; notice of completion; and correspondence.
- Carmel High School Pool Project Documents, including but not limited to, board documents; bid documents and addenda; bid protests; contract documents and change orders; project manual; purchase orders; master plan; plans and specifications; construction manager documents; DSA documents; project inspector documents; application and certificate for payment; preliminary notices; certified payroll records; punch list; and correspondence.

The District is in the process of making these records available to you electronically via a sharefile link, which is anticipated to be ready by tomorrow or early next week. Once available, the sharefile link will be sent to you from our office via email [REDACTED], and you may download the requested records directly from the link.

Please note that some of the records responsive to your request include project plans protected by copyright. While these documents are responsive and disclosable, these particular records cannot be included in the fileshare link, and therefore will instead be made available to you for review and inspection at the District office by appointment. We will notify you when these records are ready for your review.

Fran Dillard  
June 30, 2022  
Page 3

Furthermore, based on the District's understanding of the CPRA request in light of the clarification you provided to the District on March 31, 2022, the District searched for all responsive emails from or to former Superintendent Marvin Biasotti between January 1, 2006 and December 31, 2008 containing the following key terms: "performing art center", "theater", and "pool". Please be advised that on October 7th, 2016, District staff emails were transitioned from Microsoft Exchange to Gmail as the District's email provider. In the weeks following the migration, past emails from Exchange were scheduled to be moved into Gmail in phases, beginning with emails from July 1, 2015, through September 15, 2016. Since the CPRA request seeks documents prior to 2015-2016, the District is in the process of diligently and thoroughly searching for and retrieving the responsive emails from January 1, 2006 to December 31, 2008, which are located on the old server that is no longer in use. Additional time is needed to complete this comprehensive search and properly extract and review the resulting records for responsive, disclosable documents.

Accordingly, the records produced to you in the forthcoming fileshare link constitute the first batch of responsive records. A subsequent batch of responsive records will be provided to you once the email search, extraction, and review process described above is complete. We anticipate that we will be able to provide you with a status update with respect to the subsequent production by the end of next week.

All objections raised in the District's March 31, 2022 correspondence, as well as in our June 7, 2022 correspondence, also apply to this supplemental response and are fully incorporated herein.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

DANNIS WOLIVER KELLEY



Jessika K. Johnson

JKJ:CJK

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)