



DANNIS WOLIVER KELLEY

Attorneys at Law

JESSIKA K. JOHNSON

Attorney at Law
jjohnson@DWKesq.com

San Francisco

April 19, 2022

VIA U.S. MAIL

Fran Dillard
[REDACTED]
[REDACTED]

Re: Carmel Unified School District: Response to California Public Records Act Request

Dear Ms. Dillard:

On behalf of our client, Carmel Unified School District ("District"), this letter serves as the District's response to your recent request for records under the California Public Records Act ("CPRA"), dated April 9, 2022, and received by the District on April 11, 2022.

In accordance with California Government Code section 6253.1, the District understands your request as follows:

- CPRA Request Category 1: "[W]e are requesting all public records associated with traffic, traffic studies, traffic impact analysis, parking, pick-up/drop off queuing, and any safety issues associated with those words to be provided from 2004 to present day April 2022. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics including all e-mails. The public records should include but not be limited to:
 - Any and all documents/e-mails/studies, sent to/from Dan Paul
 - Any and all documents/emails sent to/from Supervisor Mary Adams and/or her staff including Colleen Courtney, Sarah Hardgrave
 - Any and all documents/emails sent to/from Randel Ishii and any employee of The Public Works, Facilities, and Parks Department (PWFP)
 - Any and all documents/emails connected to the traffic engineer, Keith Higgins who conducted the traffic study for the Performing Art Center in 2005 and 2006.

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TEL 559.388.5802
FAX 559.388.5803

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- Any and all documents/e-mails to and from Hexagon Transportation Consultants
- Any and all documents provided to Kasavan Architects containing the topic of traffic, traffic study
- Key words including: Flanders, Morse, Carmel High School, Carmel Unified School District, Memorandum of Understanding, Stadium Lights, Safety, Traffic, Parking, traffic study(ies), budgets, resources, Draft EIR, Transportation Agency of Monterey County, Neighborhood Traffic Management Plan, mitigation measures, Emergency Vehicles, Fire Department, California Highway Patrol, Monterey County Sheriff's Department, SRO
- Any and all documents/emails connected to the contractor TJKM
- Any and all documents/emails exchanges with EMC Planning related to traffic, traffic study and or analysis"

The District understands this request as seeking all correspondence and public records associated with traffic, traffic studies, traffic impact analysis, parking, pick-up/drop off queuing, and any safety issues related to the previously construction New Pool Project, previously constructed New Theater Building Project, and/or proposed Carmel High School Stadium Lights Project at Carmel High School, from January 1, 2004 to April 6, 2022. Using the key words identified above, the District will conduct a search of Dan Paul's email account for communications between Mr. Paul and "Mary Adams", "Colleen Courtney", "Sarah Hardgrave", "Randel Ishii", "Keith Higgins", "Hexagon Transportation Consultants", "Kasavan Architects", "TJKM", and "EMC Planning". Please notify us if we have misunderstood the scope of your request.

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. (Govt. 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 searching for, collecting, and examining a voluminous amount of

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separate and distinct records and/or compiling data responsive to your request, and estimates that these records will be available for your review by July 21, 2022. To the extent the District is able to produce some or all of the records prior to July 21, it will do so.

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

Very truly yours,

DANNIS WOLIVER KELLEY

A handwritten signature in blue ink that reads "Jessika K. Johnson". The signature is written in a cursive style with a long, sweeping underline.

Jessika K. Johnson

CJK/jm

cc: Jessica Hull, Director of Communications and Community Relations (Carmel Unified School District)



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Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.58
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Weight: 0 lb 0.90 oz			
Estimated Delivery Date			
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Grand Total: \$0.58

Credit Card Remitted \$0.58

Card Name: AMEX
Account #: XXXXXXXXXXXX7030
Approval #: 801817
Transaction #: 187
AID: A000000025010801 Chip
AL: AMERICAN EXPRESS
PIN: Not Required