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San Francisco

April 21, 2022

VIA U.S. MAIL

Fran Dillard

[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").

In accordance with California Government Code section 6253.1, the District understands your April 11, 2022 request as follows:

- CPRA Request Category 1: "CPRA to provide information and public records or documents of containing key words of Listening Session, pool lights, aquatic facility, Dark Sky certification, Board Policy 1330. Records or documents should include but not limited to emails from Ted Knight and Dan Paul."

This request is overly broad, unduly burdensome, and unlimited in time and scope. (See *Bertoli v. City of Sebastopol* (2015) 233 Cal.App.4th 353, 371-372.) Further, this request is vague and ambiguous, as it is unclear what kind of records you are seeking. A request for disclosure of public records under the CPRA must be specific and reasonably focused. (*Rogers v. Superior Court* (1993) 19 Cal.App.4th 469, 480-481.) The reasoning behind this requirement is so that a public agency "will have the opportunity to promptly identify and locate such records and to determine whether any exemption to disclosure applies." (*Galbiso v. Orosi Pub. Utility Dist.* (2008) 167 Cal.App.4th 1063, 1088.) Without this information, it is impossible for the District to address the full scope of objections that may apply to your request or identify disclosable responsive records.

Accordingly, this letter serves as the District's good faith attempt pursuant to Government Code section 6253.1 to elicit additional clarifying information from you that will help identify responsive records and assist you in making a focused and effective request that reasonably describes an identifiable record or records. (See

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Gov. Code, §6253.1(a) & (b).) Specifically, it is unclear what records you are seeking.

For instance, your April 11, 2022 request references a PowerPoint presentation from the "October 2021 Listening Session with the Carmel Community." However, the October 5, 2021 Community Meeting with Superintendent Ted Knight and Dan Paul, Director of Facilities and Transportation, did not include a PowerPoint presentation, nor did the District present the bullet points referenced in your letter at the October 5, 2021 Community Meeting. Accordingly, the District is unable to ascertain what records you are seeking as it pertains to the "Listening Session". **Please clarify.**

Notwithstanding the foregoing, to the extent the District understands your request, the District interprets this request as seeking emails from or to Superintendent Ted Knight and/or Dan Paul, Director of Facilities and Transportation, containing the following key terms: "pool lights", "aquatic facility", "Dark Sky certification", and "Board Policy 1330". The District presumes these terms pertain to the previously constructed New Pool Project¹ identified in Board Resolution#08-08 and the 2008 Notice of Exemption. Assuming this interpretation is correct, in order for the District to search for and compile the records that you seek, **please clarify the specific time period that you seek records from.**

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

- CPRA Request Category 2: "In addition, please provide records of how many times the pool facilities has been rented from Oct 2021 to current April 11 that required the use of lights."

This request is vague and ambiguous, as it is unclear what kind of records you are seeking. (*Rogers, supra*, 19 Cal.App.4th at 481.) The District interprets this as merely a request for information pertaining to how many times the pool facilities at Carmel High School have been rented under the Civic Center Act between October 2021 and April 11, 2022 that required use of the pool lights. To the extent this is a correct understanding of your request, the answer is **zero**. Please notify us if we have misunderstood the scope of this 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

¹ Based on prior correspondence, the District presumes "pool lights" refers to the replacement of the old pool lights with the existing pool lights that occurred over ten years ago as part of the completed New Pool Project referenced in Resolution #08-08 and the 2008 Notice of Exemption.

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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.

At your earliest convenience, please provide the clarifications sought above so that the District can fully respond to your CPRA request.

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 "Jessica K. Johnson". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Jessika K. Johnson

CJK/jm

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