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San Francisco

May 24, 2022

VIA U.S. MAIL

Fran Dillard
[Redacted]

Re: Carmel Unified School District: Response to California Public Records Act Request #2122-43
Our File No.: 1885.210001

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 May 14, 2022 request as follows:

- CPRA Request Category 1: "The specific records I seek to inspect and copy are listed below. As used herein, "Record" includes "Public Records" and "Writings" as those terms are defined at Government Code § 6252(e) & (g).
 - Dates: 2018 - Current May 2022
 - Records or documents including but not limited to:
 - Consultants, contractors, vendors that assessed the cost or potential of the CMS 8.23 parcel adjacent to CMS.
 - Plans, details, sketches, outlines, drawings of the potential vision of the parcel of land[.]
 - Correspondence that indicates the community was not interested in moving forward.
 - Polling public or key stakeholders around build out of the land".

This request is overly broad, unduly burdensome, and unlimited in 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

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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 Gov. Code, §6253.1(a) & (b).) Specifically, with respect to your request for "correspondence that indicates the community was not interested in moving forward," clarifying information is needed. Please specify whose correspondence you are seeking (i.e., names of individuals or position titles), and provide specific and reasonably focused key terms for the District to search. Likewise, the District is unable to ascertain what "consultants, contractors, vendors" you are referring to, and what types of records you are seeking apart from property appraisal records from 2018 through May 14, 2022 that concern the 8.23-acre parcel immediately adjacent to and west of Carmel Middle School. Please present a specific and focused request that reasonably describes an identifiable record or records.

To the extent the District understands your request, the District interprets your request as seeking public records from 2018 through May 14, 2022, as follows: (1) property appraisals concerning the 8.23-acre parcel adjacent to Carmel Middle School; (2) plans and other public records regarding potential future uses of the 8.23-acre parcel; and (3) public polling records concerning build-out of the 8.23-acre parcel. 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.

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At your earliest convenience, please provide the clarifications sought above so that the District can fully respond to your CPRA request. With respect to the remainder of your CPRA request, to the extent that the District correctly understands the scope of your request, the District must extend the time to respond to your request by fourteen (14) days, with the effect being that the District will promptly notify you of its determination relative to your request not later than **June 7, 2022**. (See Gov. Code, §6253(c) [generally requiring notification of a "determination" or "whether the request ... seeks copies of disclosable public records," but also allowing an agency to extend this response date by 14 additional days].) The circumstances warranting this extension include the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in your request. (Gov. Code, §6253(c).).

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

Very truly yours,

DANNIS WOLIVER KELLEY



Jessika K. Johnson

CJK/jm

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)