Re: Carmel Unified School District
Response to California Public Records Act Request No. 2223-23
Our file no. 1885.210001

Dear Sir or Madam:

On behalf of our client, Carmel Unified School District (“District”), this letter responds to your recent request, received September 6, 2022 (Request No. 2223_23), for records under the California Public Records Act (“CPRA”), Gov. Code, § 6250 et seq.

To the extent the District understands your request, the District interprets your request as seeking a single category of records, as follows:

- **Request**: Records from May 2022 through September 2022 of “communication components of the Revised Draft Environmental Impact Report (RDEIR) called Carmel High School Stadium Improvements.”

Your request provides “key words,” which the District understands are intended to assist in its search for records responsive to the request, as follows:

i. “Public Notice”
ii. “Public Hearing”
iii. “Public Review”
iv. “Public Comments”
v. “Comment Period”
vi. “Process”
vii. “Completion for the Revised Draft Environmental Impact Report”
viii. “Initial Notice”
ix. “Reissued Notice of Completion and Availability to reflect corrected e-mail where public comments on the Revised/Recirculated Draft EIR may be submitted.”
x. “Special Board Meeting”
xii. “September 6th, 2022”
Lastly, your request states that the District’s search for responsive records should include records of the following persons or entities:

i. “Ted Knight”
ii. “Dan Paul”
iii. “EMC Planning”
iv. “Carmel Pine Cone”
v. “Sara Hinds”
vi. “Karl Pallastrini”
vii. “Seaberry Nachbar”
viii. “Anne Marie Rosen”
ix. “Tricia Zarevich”
x. “Jessica Hull”
xi. “Mary Schley”
xii. “Paul Miller”
xiii. “Meena Lewellen”
xiv. “Vanessa Jimenez”

Pursuant to Government Code section 6253.1, this letter serves as the District’s good faith attempt to elicit additional clarifying information to assist you in making “a focused and effective request that reasonably describes an identifiable record or records.” (Emphasis added.) The current request is confusing, overbroad, and unreasonable in a number of respects. As such, it is unclear what records you are seeking. The District is unable to respond until you provide clarification.

First, the District is unable to determine what you mean by “communication components.” If you mean the District’s public communications regarding the RDEIR, please confirm. These records would include, for example, the Notice of Completion and Availability of a Revised/Recirculated Draft EIR, the agendas and meeting minutes for the District’s Board of Education, and other public announcements posted on the District website. If you mean something else by “communication components,” please explain.

Second, the District objects that the proposed search terms are overbroad and unreasonable. Your current list of proposed search terms includes a large number of generic terms that, if used, are likely to result in an overwhelming number of irrelevant and non-responsive documents. This will make it exceedingly difficult to search for, gather, and review records in order to respond to your request. Once you have clarified what records you are seeking (i.e., what you mean by “communication components”), the District will narrow the proposed search terms to a reasonable and focused list.

Third, the District objects that the proposed list of persons/entities to search is also overbroad and unreasonable. The list is unduly cumulative in that it includes too many District personnel who will have access to the same emails. This will likely result in excessive amounts of
duplicate emails, which will needlessly delay and complicate the search for responsive records without any corresponding public benefit (because you will simply be receiving multiple identical copies of the same email). Additionally, the list includes persons/entities whose emails the District does not possess within the meaning of the CPRA (e.g., those of EMC Planning Group, The Carmel Pine Cone, and their respective personnel). Once you have clarified what records you are seeking (i.e., what you mean by “communication components”), the District will narrow the proposed list of persons/entities’ emails to search to a reasonable and focused list.

Please note that following your clarification of your request, only those documents that meet the definitions contained in the CPRA and are not otherwise exempt from disclosure will be produced. 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. (Gov. Code, §§ 6252 & 6253; Haynie v. Sup. Ct. (2001) 26 Cal.4th 1061.) The District reserves all objections at this time.

Please provide the clarification requested herein so that the District can prepare 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

cc: Jessika K. Johnson, Esq.