



County of Santa Cruz

COUNTY CLERK / ELECTIONS

701 Ocean Street, Room 310, Santa Cruz, CA 95060-4035
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Gail L. Pellerin, County Clerk
Tricia Webber, Assistant County Clerk

April 2, 2020

Ray Lutz
Executive Director Citizens' Oversight
771 Jamacha Rd 148
El Cajon, CA 92019

Sent via email to raylutz@citizenoversight.org

Dear Mr. Lutz,

Pursuant to California Government Code section 6253(c), we write in response to the email dated March 22, 2020 that you sent to the County of Santa Cruz under the California Public Records Act, which was sent to the County via email (the "Requests"). We are submitting this response within the ten-day period for response set out in Government Code section 6253(c). We note that the Requests are limited only to records maintained in the normal course of business by the County and records that are in the County's custody and control.

Please note that we will not produce records that are privileged or otherwise exempt from disclosure pursuant to California Government Code section 6254(k). This includes documents protected by the attorney-client privilege, attorney work product, and official information privileges.

No preliminary drafts or memorandum not normally kept in the ordinary course of business will be produced pursuant to California Government Code section 6254(a). Records concerning real estate appraisals for pending acquisitions are also exempt from disclosure under California Government Code section 6254(h).

We will not produce documents that are subject to copyright protections, contain trade secrets, and/or proprietary and/or confidential information. See California Government Code sections 6253.9, 6254(k), 6254.9; California Evidence Code section 1060.

Moreover, we will not produce documents exempt from disclosure under the deliberative process privilege. See *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325.

No documents will be produced where "the public interest served by not disclosing the record clearly outweighs the public interest by the disclosure of the record" under California

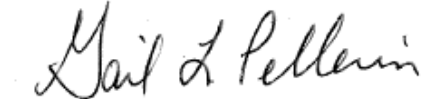
Government Code section 6255. Additionally, no documents will be produced if they contain personnel, medical, private, confidential, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy under California Government Code section 6254(c) and/or the Health Insurance Portability and Accountability Act of 1996. And, to the extent any of the records you are requesting are the subject of ongoing litigation and/or pending investigations, and/or are law enforcement investigatory records, such records are exempt from production. See Government Code sections 6254 (b), (f).

In addition, no documents or records will be produced to the extent such a production would violate California Penal Code §§ 832.7, 832.8, 11076, California Civil Code § 129, California Welfare and Intuitions Code §§ 827, 828, 831, California Business and Professions Code § 805, or California Evidence Code § 1043.

Furthermore, as we review your Requests, we may discover other applicable privileges and/or exemptions under Government Code sections 6254, 6255, 6256 or other applicable state or federal laws, and we reserve all rights to assert those at any time.

Pursuant to Government Code section 6253(c), the County is exercising its right to a fourteen (14) day extension to respond to the Request because as drafted the Requests require the need to search for and appropriately examine a potentially voluminous amount of records that are demanded in the Requests and for potential coordination among several County departments in responding to the Requests. Our deadline to respond is now April 24.

Kind regards,

A handwritten signature in cursive script that reads "Gail L. Pellerin".

Gail L. Pellerin
Santa Cruz County Clerk