September 27, 2017

Via Electronic Mail (tracy@media-alliance.org)

Tracy Rosenberg
Executive Director
Media Alliance
2830 20th Street, Suite 102
San Francisco, California 94110

Re: California Public Records Act Request

Dear Ms. Rosenberg:

This office represents the San Mateo County Community College District (“District”), licensee of Station KCSM-TV, San Mateo, California, Facility No. 58912 (“KCSM” or “Station”). This letter is in response to your correspondence dated September 22, 2017 addressed to the District (subject: “California Public Records Act Request”) which seeks the production of a number of documents relating to the proposed sale of KCSM pursuant to the California Public Records Act. Please accept this letter as the District’s response to your request.

The California Public Record Act, Government code section 6250 et seq. (the “Act”), permits the inspection and copying of certain public records. Section 6253 of the Act provides as follows:

Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the
reasons therefor. . . . When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available.

The California Supreme Court has confirmed that the Act exempts certain public records from disclosure [see, e.g., §§ 6253.5, 6254(a)–(w), 6254.1, 6254.3, 6254.4, 6254.7, 6254.10, 6254.11, 6254.25], including “[r]ecords 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 privilege.” Roberts v. City of Palmdale, 5 Cal. 4th 363, 370 (1993). “By its reference to the privileges contained in the Evidence Code, therefore, the Public Records Act has made the attorney-client privilege applicable to public records.” Id.

In addition, the Act exempts from disclosure “preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure”. See §6254(a). The Act also exempts from disclosure “[r]ecords pertaining to pending litigation to which the public agency is a party... until the pending litigation or claim has been finally adjudicated or otherwise settled.” See §6254(b).

Consistent with its obligations under the Act, the District advises that it has documents responsive to your request, and is currently in the process of searching for and locating responsive documents. As you may be aware, some of the documents you have requested have been made publicly available, such as the RFP issued on June 13, 2017. Thus, for your convenience, I am attaching to this letter the RFP document.

For the balance of your request, the District must search and review multiple sources, which will take some time. In addition, the District’s legal counsel will review the documents prior to their release to determine if the requested documents are exempt from disclosure. The District will produce any and all non-privileged responsive documents as soon as we are reasonably able to do so, which we believe will be approximately the end of November 2017. We will notify you when the documents are ready to be produced. The documents can either be available for viewing, or can be copied. Please note that there will be a $0.25 charge per copy for any copies made of any responsive documents. I will be in touch as soon as the documents have been located and copied.
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Please do not hesitate to contact me at the above number should you have any questions.

Sincerely,

JOHN C. BEIERS, COUNTY COUNSEL

By: ________________

Kathryn E. Meola, Chief Deputy

JCB:KEM/cnb

Enclosure(s): Bates Labeled Documents: MA PRA 00001-00273

cc: San Mateo County Community College District
    Dianne Sweeney, Pillsbury Winthrop Shaw Pittman