



June 13, 2018

VIA ELECTRONIC MAIL

Joseph Horvath, Administrative Deputy
Department of Regional Planning
320 West Temple Street, Room 1390
Los Angeles, California 90012
pra@planning.lacounty.gov

Re: California Public Records Act Request: Los Angeles County Centennial CPRA

Dear Mr. Horvath:

This is a request under the California Public Records Act, California Government Code sections 6250 to 6270 (“PRA”), from the Center for Biological Diversity (“Center”), a national, nonprofit conservation organization that works to secure a future for all species hovering on the brink of extinction through science, law, and creative media, and to fulfill the continuing educational goals of its membership and the general public in the process.

REQUESTED RECORDS

The Center requests from the Los Angeles County, Department of Regional Planning (“DRP”): all records of communications mentioning, including, referencing, and/or generated in connection with the Centennial Specific Plan, between employees, staff, attorneys, or consultants of the LA County Regional Planning Department and employees, staff, attorneys, and/or consultants of Tejon Ranchcorp, Tejon Ranch Company, and/or Centennial Founders LLC.

For this request, the term “records” refers to, but is not limited to, any and all documents, correspondence (including, but not limited to, inter and/or intra-agency correspondence as well as correspondence with entities or individuals outside the federal government), emails, letters, notes, recordings, telephone records, voicemails, telephone notes, telephone logs, text messages, chat messages, minutes, memoranda, comments, files, presentations, consultations, biological opinions, assessments, evaluations, schedules, papers published and/or unpublished, reports, studies, photographs and other images, data (including raw data, GPS or GIS data, UTM, LiDAR, etc.), maps, and/or all other responsive records, in draft or final form.

This request is not meant to exclude any other records that, although not specially requested, are reasonably related to the subject matter of this request. If you or your office have destroyed or determine to withhold any records that could be reasonably construed to be responsive to this request, I ask that you indicate this fact and the reasons therefore in your response.

The Center is willing to receive and encourages provision of records on a rolling basis.

FORMAT OF REQUESTED RECORDS

The Center requests that Los Angeles County provide records in a readily-accessible electronic format. "Readily-accessible" means text-searchable and OCR-formatted. Please provide all records in a readily-accessible, electronic .pdf format. Additionally, please provide the records either in (1) load-ready format with a CSV file index or excel spreadsheet, or if that is not possible; (2) in .pdf format, without any "profiles" or "embedded files." Profiles and embedded files within files are not readily-accessible. Please do not provide the records in a single, or "batched," .pdf file. We appreciate the inclusion of an index.

If DRP determines that any of the requested records are exempt from disclosure, we ask that DRP reconsider that determination in view of Proposition 59, which amended the state Constitution to require that all exemptions be "narrowly construed." Cal. Gov. Code §§ 6250-6276.48. Cal. Gov. Code § 6253 requires release of all reasonably segregable portions of the requested records which are not themselves exempt from mandatory disclosure. If DRP determines that the requested records are subject to a still-valid exemption, we would further request that: (1) DRP exercise discretion to disclose some or all of the records notwithstanding the exemption; and (2) with respect to records containing both exempt and nonexempt content; that DRP redact the exempt content and disclose the rest. Should DRP elect to withhold any documents, please explain under which provision this is justified as required by Cal. Gov. Code § 6255.

RECORD DELIVERY

We appreciate your help in expeditiously obtaining a determination on the requested records. As mandated in PRA, we anticipate a determination within 10 days. Cal. Gov. Code § 6253(c). The Center respectfully reminds DRP, "nothing shall be construed to permit an agency to delay or obstruct the inspection or copying of public records," including timelines for responses. Cal. Gov. Code § 6253(d). Please provide a complete reply as expeditiously as possible. You may email or mail copies of the requested records to:

Ann K. Brown
Center for Biological Diversity
P.O. Box 11374
Portland, OR 97211
foia@biologicaldiversity.org

If you find that this request is unclear, or if the responsive records are voluminous, please email me to discuss the scope of this request.

REQUEST FOR FEE WAIVER

The Center requests a waiver of all fees because the disclosure of the requested information is in the public interest, and will contribute significantly to public understanding of whether Los Angeles County is complying with its duties as a “lead agency” for determining whether to approve the Centennial Specific Plan.

The public’s “right of access to information” is enshrined in the California Constitution. Cal. Const., Art. I, § III(b)(1). In fact, “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” Cal. Gov. Code § 6250. To carry out these purposes, Los Angeles County generally allows the public to access any public document. *Cnty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1320 (2009) (“All public records are subject to disclosure unless the Public Records Act expressly provides otherwise.”) (internal citation omitted).

The Center respectfully reminds DRP that access to these records should be immediate and without charges. “[P]ublic records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record.” Cal. Gov. Code, § 6253(a). Any fees “for a copy of a public record would have no effect upon the public’s right of access to and inspection of public records free of charge.” 85 Ops. Cal. Atty. Gen. 225, 229 (Cal. AG 2002).

I. The Center Qualifies for A Fee Waiver.

While we are not requesting photo copies at this time, the Center respectfully requests a waiver for any fees associated with this matter. The Center is a non-profit conservation organization dedicated to protecting the environment and educating the public about environmental resources and threats to those resources. The Center has members throughout California. Once the records are made available, the Center will analyze, and use them in a manner that will meaningfully enhance the public’s understanding Los Angeles County’s compliance with its responsibilities concerning the Centennial Specific Plan. Through the Center’s synthesis and dissemination (by means discussed in Section II, below), disclosure of information contained and gleaned from the requested records will contribute to a broad audience of persons who are interested in the subject matter.

II. The Center has a Demonstrated Ability To Disseminate The Requested Information Broadly.

The Center will use the requested records for outreach and education, including media. The Center is a non-profit organization that informs, educates, and counsels the public regarding environmental issues, policies, and laws relating to environmental issues. The Center has been substantially involved in the activities of numerous government agencies for over 25 years, and has consistently displayed its ability to disseminate information granted to it through public records requests.

In consistently granting the Center's fee-waivers, agencies have recognized: (1) that the information requested by the Center contributes significantly to the public's understanding of the government's operations or activities; (2) that the information enhances the public's understanding to a greater degree than currently exists; (3) that the Center possesses the expertise to explain the requested information to the public; (4) that the Center possesses the ability to disseminate the requested information to the general public; (5) and that the news media recognizes the Center as an established expert in the field of imperiled species, biodiversity, and impacts on protected species. The Center's track record of active participation in oversight of governmental activities and decision making, and its consistent contribution to the public's understanding of those activities as compared to the level of public understanding prior to disclosure are well established.

The Center respectfully reminds DRP that access to these records should be immediate and without charges. "[P]ublic records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record." Cal. Gov. Code § 6253(a). Any fees "for a copy of a public record would have no effect upon the public's right of access to and inspection of public records free of charge." 85 Ops. Cal. Atty. Gen. 225, 229 (Cal. AG 2002).

In the event DRP declines to grant a fee waiver, *North County Parents Organization v. Department of Education* firmly establishes that agency copying fees may only cover the direct cost of duplication, and that direct costs do not include agency staff time associated with any task other than, "conceivably," operating the copy machine. ((1994) 23 Cal. App. 4th. 144, 148.) Therefore, the Center objects to any copy charges in excess of 10 cents per page. Please notify us in advance of incurring any costs associated with this request.

III. Conclusion

The California PRA requires a response to this request be made within ten (10) days. We hope that DRP will immediately grant this fee waiver request and begin to search and disclose the requested records without any unnecessary delays. If access to the records will take longer than ten (10) days, please contact me with information about when the Center may expect copies or the ability to inspect the requested records.

If you have any questions, please contact me foia@biologicaldiversity.org. All records and any related correspondence should be sent to my attention at the address below.

Sincerely,



Ann K. Brown
Open Government Coordinator
CENTER FOR BIOLOGICAL DIVERSITY
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Portland, OR 97211-0374
foia@biologicaldiversity.org