

April 7 CPRA request

From: thad@northcoastjournal.com

Sent: Fri, May 6, 2016 at 1:23 pm

To: cday-wilson@ci.eureka.ca.gov, gsparks@ci.eureka.ca.gov

Cc: DVickman@ci.eureka.ca.gov

Dear Mr. Sparks and Ms. Day-Wilson -

I am writing to ask that the city reconsider its recent denial of a pair of California Public Records Act requests from the North Coast Journal. Journal staff writer Linda Stansberry submitted the requests April 7, 2016, seeking the following:

“Any and all written correspondences to and from members of the Eureka City Council and the mayor regarding homelessness within city limits from Jan. 1, 2016 through April 7, 2016”

and

“Any and all written correspondences between city department heads — including Police Chief Andrew Mills, Community Development Director Rob Holmlund, Personnel Director Gary Bird, Finance Director Wendy Howard and Parks and Recreation Director Miles Slattery — the city manager and the city attorney regarding the Devil’s Playground, the PalCo Marsh and homeless encampments between Feb. 1, 2015 and April 7, 2016.”

On April 8, 2016, we received notice from the city that it was extending the time limit to respond to our requests by 14 days and stating that the request would “require an extensive search and review of City records.” At 4:56 p.m. on May 2, 2016, we received a letter from the city denying both requests, claiming that documents responsive to our two requests were exempt from disclosure because they pertain to pending litigation and because the documents are attorney-client communications and attorney work product in the pending litigation.

We believe that only documents specifically prepared for use in litigation are exempt from disclosure per the pending litigation exemption. As for the attorney/client and work product exemptions, it seems unlikely that all documents responsive to our requests would classify as attorney-client communications and attorney work product in pending litigation, as — presumably — the documents include emails that were neither to nor from the city attorney. There is no attorney-client privilege that protects emails between elected officials and members of the public. And as for any documents that do include attorney-client communications or work product, any non-exempt portion of any responsive document must still be released after the exempt information has been redacted.

For these reasons we ask that you reconsider your blanket rejection of our two records requests. If I do not hear back from you by 5 p.m. on May 9 we will seek a judicial remedy.

Best,

Thadeus Greenson
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