



WENDY GREUEL
CONTROLLER

April 4, 2013

Kelly Aviles
Law Offices of Kelly Aviles
1502 Foothill Blvd, Suite 103-140
La Verne, California 91750

Dear Ms. Aviles:

We received your letter dated March 28, 2013 and take issue with its assertions. Under no circumstance is our office delaying or obstructing the inspection or copying of records that are responsive to your request. Your conclusion to that effect is inaccurate and unfounded.

In January, your client, Los Cerritos Community Newspaper Group and Mr. Brian Hews, sent our office two letters with five separate and distinct public records requests, the contents of which were broken down into 28 separate sub-requests. Taken together, the letters require a review of thousands, perhaps tens of thousands, of records located within our office.

We responded to your client in accordance with the requirements of Section 6253(c) of the Government Code by providing "the estimated date and time when the records will be made available." Since the receipt of those voluminous requests, many employees in our office have been working diligently to produce the non-exempt responsive records.

Because we are a public office that handles the City's financial information, ethical obligations require us to carefully review each individual document to ensure that we are not inadvertently releasing information that would violate an individual's constitutionally protected right to privacy.

The Government Code recognizes that the initial determination may need to be adjusted once the responding agency is able to better understand the volume of a

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request after having a greater opportunity to determine the universe of responsive records. This understanding is evidenced by the fact that the legislature used the term "estimated" in dictating the requirements of the determination in Section 6253(c) of the Government Code. By their very definition, estimations imply "a judgment, considered or casual, that precedes or takes the place of actual measuring or counting or testing out."^[1]

The fact that we have extended our original estimated date of the delivery of the records beyond March 14, 2013 to, on or before April 19, 2013 is reasonable considering the volume and organization of records to be reviewed.

You have requested a written confirmation that our office will make all non-exempt responsive records available for inspection or production by no later than April 5, 2013. We are unable, at this time, to give you that confirmation. We understand that if we do not produce the records by April 5, 2013, you say that you "will be forced to consider additional legal options, including filing an action to compel disclosure of the requested records, and for recovery of the attorneys fees that my client has been forced to expend in this matter."

For the reasons noted above, we are unable to meet your expedited timeline. You are asking for the records by April 5, 2013, and we have indicated that our best estimate for the final production of the responsive records is by April 19, 2013. To pursue litigation over such a short time difference would be clearly unreasonable and will only result in the further delay of the production of the non-exempt records.

Please be informed that if you do pursue litigation under the CPRA on or shortly after April 5, 2013, given the imminent time thereafter that we estimate your records will be ready, we will ask the court to declare your case to be clearly frivolous, and seek to have your client pay our court costs and attorneys fees as would be required under the same Government Code section.

Sincerely,



Claire Bartels
Chief Deputy Controller

Cc: Mike Dundas, City Attorney's Office

[1] "estimate" *Merriam-Webster.com*. Merriam-Webster Online Dictionary, 2012. Web. March 16, 2012.