



February 28, 2022

Via Electronic Mail

Nathalie Christian

122046-07264069@requests.muckrock.com

Re: Notice of Extension on Response to Request for Public Records Received
February 3, 2022

Dear Nathalie Christian:

1. The City of Benicia (“City”) is in receipt of your email request seeking “Communications from
 - a. Mayor Steve Young, Tom Campbell, and Trevor Macenki, pertaining to
 - b. Brandon Greene, Nimat Shakoor-Grantham, and Andre Stewart and made between November 1, 2020 and December 10, 2021
2. Communications from
 - a. Benicia City Council Members, Steve Young, Tom Campbell, Trevor Macenski, Christina Strawbridge, Lionel Largaespada;
 - b. City Manager Erik Upson; and
 - c. Equity, Diversity, and Inclusion Manager Dr. Maliika Chambers
 - d. Regarding
 - i. the outreach, nomination, and selection process for the Committee United for Racial Justice (CURE), and dated from November 1, 2020 to December 10, 2021”.

This letter shall serve as the City’s formal written response to your request under the California Public Records Act (Government Code section 6250 *et seq.*).

The City wishes to cooperate to the fullest extent possible with the Public Records Act. Under established California law, the City is obliged to comply with a request for a public record so long as the requester makes a specific and focused request for information, that information is maintained by the City in its ordinary course of business, the information is disclosable, and the record can be located with reasonable effort. The Public Records Act provides for the inspection or copying of existing identifiable public

records; it does not compel the City to create new records, lists, privilege logs, or reports in response to a request.

Consistent with that requirement, the City has conducted a search and is providing the documents attached, which includes email communications from the requested council members, as well as the interview questions.

Please note, however, portions of the requested records responsive to your request have been redacted under the public interest exemption, as the public interest in disclosure of personal information was outweighed by the public interest in protecting that information from disclosure. (California Government Code § 6255.) Other records responsive to your request have been withheld under the deliberative process privilege as responsive records included pre-decisional communications among policy makers, which on the facts of the particular case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure. (Government Code § 6255; *Citizens for A Better Environment v. Department of Food & Agriculture* (1985) 171 Cal.App.3d 704, 717.) In addition, other records were withheld under the Attorney-Client Privilege, which are exempted from disclosure pursuant to Government Code 6254(k). (*See: Evidence Code sections 952 and 954; Agricultural Labor Relations Bd. v. Superior Court* (2016) 4 Cal.App.5th 675, 688.)

Please also note that the City will continue its search and review of records to ensure it has conducted a full and thorough review and provided all responsive, non-exempt, non-privileged records. Part of completing that review will require the City to review whether any additional documents potentially responsive should be withheld or redacted due to any applicable exemption, including, for example, based upon the public interest exemption (Government Code 6255), the deliberative process privilege, or the attorney client privilege. The City will provide you a further update by March 14, 2022.

Also please be advised that the timelines for a response required under Benicia Municipal Code Chapter 4.12 were suspended on April 7, 2020, by Resolution No. 20-32, as staffing limitations severely impact the City's ability to timely respond to such requests. This suspension shall remain in effect until the termination of the declared state of emergency or until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Benicia. The City continues its commitment to governmental transparency and will continue to issue responses to requests pursuant to the requirements of the California Public Records Act.

If you have any questions about the City's response or would like to discuss your request, please feel free to contact me directly at abussart@ci.benicia.ca.us (707) 746-4200. As noted above, we will be in touch again by March 14, 2022.

Sincerely,



Ashley Bussart, Deputy City Clerk

cc: Benjamin Stock, City Attorney
Erik Upson, City Manager
Lisa Wolfe, City Clerk
File