

June 28, 2004

Sylvia Previtali
611 Cliff Drive
Aptos, CA 96003

RE: RESPONSE TO REQUEST FOR RECORDS

Dear Ms. Previtali:

In your correspondence dated June 15, 2004, you made a Public Records Act request for "All records of Minutes and documents from Closed Session meetings with SCCRTC Commissioners, staff or consultant" that relate to the Santa Cruz Branch Line Acquisition Business Plan now being prepared by a Commission consultant. Our review indicates that there are no documents or records responsive to your request.

The Public Records Act

The Public Records Act (Government Code §§ 6250 et seq.) was enacted in 1968 and provides that "every person has a right to inspect any public record, except as hereafter provided." The Act exempts from disclosure certain public records protected by federal or state law, including records relating to those privileges contained in the California Evidence Code (Government Code § 6254 (k).)

Evidence Code § 950 et seq., establishes the attorney-client privilege which is applicable to communications between public entities and their attorneys (*Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.) Consequently, the right to obtain records under the Act would not include documents subject to the attorney-client privilege, such as those written communications from counsel considered in a closed session authorized under the Brown Act.

In response to your request, there were no records relating to the Santa Cruz Branch Line Acquisition Business Plan, considered in a closed session of the Regional Transportation Commission, that are subject to release under the Public Records Act. Please note that the Business Plan itself is still in the process of being prepared by consultants, and has not yet been conveyed to the Commission.

Please contact me if you have any further questions regarding this matter.

Sincerely,

Pat Dellin, Deputy Director

cc: SCCRTC