
From: Chad Barksdale <cbarksdale@schoolbusing.org>

Sent: Friday, July 7, 2023 12:58 PM

To: Kent Lawson <klawson@velatax.com>

Cc: DHUGHES@schoolbusing.org; CSIMMONS@schoolbusing.org; CDEWEY@schoolbusing.org; AOCONNOR@schoolbusing.org; KNOGUCHI@schoolbusing.org

Subject: Re: California Public Records Act Request

Dear Kent Lawson,

Please see attached response to your public records request dated June 27, 2023.

Regards,

Chad Barksdale

Executive Director

West County Transportation Agency

707-206-9988 x230

On Tue, Jun 27, 2023 at 12:05 PM Kent Lawson <klawson@velatax.com> wrote:

To Whom it May Concern:

I am hereby making a California Public Records Act Request to the West County Transportation Agency for the Documents described below. Please provide me with an electronic copy of the documents as soon as possible, but no later than 10 days from today. A hard copy is not necessary.

I request any and all documents, unless otherwise denoted, from 1995 to the present relating in any way to:

1. The past and / or future development of APNs 134-072-025, 134-072-048, and 134-074-022 in Sonoma County
2. West County Transportation Agency Financial Statements & Reports for the Fiscal Year Ended June 30, 2022
3. The past and / or projected future number and / or size of school buses operated by the West County Transportation Agency
4. The past and / or projected future number of students who ride buses operated by the West County Transportation Agency
5. Past and / or projected future bus routes for buses operated by the West County Transportation Agency
6. The past and / or projected future number of buses owned by the West County Transportation Agency stored at APNs 134-072-025, 134-072-048, and 134-074-022 in Sonoma County
7. The purchase or possible purchase of future buses by the West County Transportation Agency
8. Studies or plans relating to planned or possible electric school bus purchases and / or deployment
9. Insurance requirements for security measures such as lighting or fencing
10. Correction notices and / or stop work orders on APNs 134-072-025, 134-072-048, and 134-074-022
11. Drainage and / or flooding on APNs 134-072-025, 134-072-048, and 134-074-022
12. Plans, projections, and contracts relating to employee parking
13. Wetlands mitigation and /or open space easements relating to the West County Transportation Agency

By Documents I mean any writing as defined by Californian Evidence Code section 250 which means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Please email me if you have questions.

Thank You,

Kent Lawson



July 7, 2023

Ken Lawson
524 Oasis Dr.
Santa Rosa, CA. 95407

Re: Request Seeking Public Records from West County Transportation Agency

Sent Via Email: klawson@velatax.com

Dear Kent Lawson:

This responds to your request for records from our office made on June 27, 2023. Specifically, your request seeks 13 categories of documents, some relating to development on real property owned by West County Transportation Agency (WCTA).

I regret to inform you that our office cannot comply with many of these requests because they do not seek "identifiable records" as that term is used in the Public Records Act (Government Code § 7922.530, subd. (a)). An "identifiable record" is a record that a public agency can provide without having to interpret the request or to speculate what documents will or may fulfill the request. For example, if you had asked for a copy of Mitigation Sale Agreement or Botanical Survey, each of those would be "identifiable records."

Unfortunately, many of the document requests that you have submitted are much too vague for us to conduct a search. For example, your first request seeks "The past and /or future development of various parcels that are owned by the Agency. It is not clear what the term "past and/or future development" means, nor how this seeks "identifiable" documents. Similarly, but instead seeks *information* to be gleaned *from* a document or documents, using a broad description such as "any and all."

In addition, your request seeks these documents "no later than 10 days from today." WCTA is not required to provide documents in response to a public records request within 10 days, nor within any period of time specified by the requesting party. Though we will comply with your request as we are obligated by law, the only time limit under the Public Records Act is that the agency must "within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. If the agency determines that the request seeks disclosable public records, the agency shall also state the estimated date and time when the records will be made available." See Govt. Code § 7922.535, subd. (a).

As you can see, the law only requires that WCTA determine whether your request seeks disclosable records in its possession, and to provide you with notification of what records it anticipates producing and “the estimated date and time when the records will be made available.” This is your initial response as required by that statute.

Here are our responses to your specific requests:

1. The past and/or future development of APNs 134-072-025, 134-072-048, and 134-074-022 in Sonoma County.

WCTA objects to this request on the ground that it fails to seek an identifiable record, as that term is used in the Public Records Act (“Act”). We request that you provide clarification about what records you are seeking with regard to “past and future development” of the named parcels.

2. West County Transportation Agency Financial Statements & Reports for the Fiscal Year Ended June 30, 2022

No objection. The records can be found at <https://www.schoolbusing.org/financial-audits>

3. The past and/or projected future number and/or size of school buses operated by the West County Transportation Agency

Please see the objection as to request no. 1. We also object on the ground that the record is not limited as to time, i.e., are records being sought since WCTA was first formed? We also have no records about “future number and/or size of school buses,” as such records would not exist yet. If you wish to clarify what records your request seeks, and the time-frame of the records sought, we will review and respond once again.

4. The past and/or projected future number of students who ride buses operated by the West County Transportation Agency

Please see the objection as to request no. 3.

5. Past and/or projected future bus routes for buses operated by the West County Transportation Agency

Please see the objection as to request no. 3. No objection to providing current records of number bus routes operated by WCTA. The records will be provided on or before July 31, 2023.

6. The past and/or projected future number of buses owned by the West County Transportation Agency stored at APNs 134-072-025, 134-072-048, and 134-074-022 in Sonoma County

Please see the objection as to request no. 3. No objection to providing records of the current buses owned by WCTA. The records will be provided on or before July 31, 2023.

7. The purchase or possible purchase of future buses by the West County Transportation Agency

Please see the objection as to request no. 3.

8. Studies or plans relating to planned or possible electric school bus purchases and/or deployment

No objections, documentation will be provided on or before July 31, 2023.

9. Insurance requirements for security measures such as lighting or fencing

Please see the objection as to request no. 3.

10. Correction notices and/or stop work orders on APNs 134-072-025, 134-072-048, and 134-074-022

Please see the objection as to request no. 3 (as to the time frame).

11. Drainage and/or flooding on APNs 134-072-025, 134-072-048, and 134-074-022

Please see the objection as to request no. 3.

12. Plans, projections, and contracts relating to employee parking

Please see the objection as to request no. 3.

13. Wetlands mitigation and/or open space easements relating to the West County Transportation Agency

Please see the objection as to request no. 3.

Finally, as noted, many of your requests did not seek “identifiable records” as that term is used in the Public Records Act. This places the burden on WCTA to interpret those requests. Furthermore, any potential records relating to APNs 134-072-025, 134-072-048, and 134-074-022 as well as contracts are stored in multiple files and locations. This will require West County Transportation Agency staff to manually review files in attempt to find records meeting the broad categories you have requested. However, there is a great deal of documentation related to these parcels available to the public online by accessing prmd.sonomacounty.ca.gov and parcelsearch.permitsonoma.org.

WCTA will nevertheless attempt to comply, in good faith, with those requests even though they do not seek identifiable records, as it understands the terms used in your request. Because those requests did not seek “identifiable records,” however, WCTA cannot guarantee that all documents falling within the broad categories you laid out will, in fact, be provided.

Unless stated in the above responses to your request categories or new identifiable records are requested, the remaining documentation, as it is understood in the terms of your request, could take 60-90 days to produce given the number of boxes and availability of staff.

Sincerely,



Executive Director