



City of
Los Banos
At the Crossroads of California

July 24, 2024

VIA E-MAIL
MTITUS@WCTLAW.COM

Michael C. Titus
Wild, Carter & Tipton
246 West Shaw Avenue
Fresno, CA 93704

Re: City of Los Banos Public Records Act Request Received June 18, 2024
Update / Providing Records

Dear Mr. Titus:

This letter provides a further response to your California Public Records Act (“CPRA”) request received by the City of Los Banos (“City”) on June 18, 2024. You requested the following records:

- 1. Any and all emails, text messages or other written communications between City Manager, Josh Pinheiro and City of Los Banos staff, employees, council members and Mayor Paul Llanez related to all matters pertaining to the City of Los Banos for the time period of February 1, 2023 through the date of the letter [06/18/2024].*
- 2. Any and all emails, text messages or other written communications between Council Member Brett Jones and City of Los Banos staff, employees, city manager, other council members and Mayor Paul Llanez related to all matters pertaining to the City of Los Banos for the time period of February 1, 2023 through the date of the letter [06/18/2024].*
- 3. Any and all emails, text messages or other written communications between Council Member Doug Begonia and City of Los Banos staff, employees, city manager, other council members and Mayor Paul Llanez related to all matters*

pertaining to the City of Los Banos for the time period of February 1, 2023 through the date of the letter [06/18/2024].

4. *Any and all emails, text messages or other written communications between Council Member Kenneth Lambert and City of Los Banos staff, employees, city manager, other council members and Mayor Paul Llanez related to all matters pertaining to the City of Los Banos for the time period of February 1, 2023 through the date of the letter [06/18/2024].*
5. *Any and all emails, text messages or other written communications between Council Member Deborah Lewis and City of Los Banos staff, employees, city manager, other council members and Mayor Paul Llanez related to all matters pertaining to the City of Los Banos for the time period of February 1, 2023 through the date of the letter [06/18/2024].*
6. *Any and all emails, text messages or other written communications between Mayor Paul Llanez and City of Los Banos staff, employees, city manager, and council members related to all matters pertaining to the City of Los Banos for the time period of February 1, 2023 through the date of the letter [06/18/2024].*

City staff members have identified a number of records responsive to your request. We are providing the records in electronic format through the following link:

<https://www.imanageshare.com/pd/8UknlkCIrXe>

Please let us know if you have any problems accessing the documents through the above link. Also, the link will expire on August 14, 2024. Please download the documents prior to that date.

Within the documents, staff members have redacted personal information including personal email addresses and personal phone numbers. The personal information has been redacted to avoid an unwarranted invasion of personal privacy. Based on the reasons provided for the redactions, the public interest served by withholding the redacted information clearly outweighs any public interest served by disclosure (Gov. Code § 7922.000). The City further redacted attorney-client communications and work product, which are protected from disclosure under the attorney-client privilege (Evid. Code §§ 952, 954; Gov. Code § 7927.705).

In addition, the City withheld records of certain predecisional communications have also been withheld on grounds of the deliberative process privilege. These are predecisional communication revealing the City's decision-making process. Disclosure of the internal predecisional communications between the agency and its consultants would chill the flow of information. (Gov. Code § 7922.000; Evid. Code § 1040; *Times Mirror Company v. Superior Court* (1991) 53 Cal.3d 1325, 1338.)

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Because the City will not provide the exempt information described above, the CPRA requires the City to provide a written response when a records request is denied, either in whole or in part. (Gov. Code § 7922.540, subd. (a).) The CPRA also requires that notification of denial of any request for records must include the names and titles or positions of each person responsible for the denial. (Gov. Code § 7922.540, subd. (b).) With the name and title provided below, this letter fulfills both of the aforementioned legal requirements

City staff members are continuing to review records potentially responsive to your request. We anticipate making responsive, non-exempt records available to you on or before August 14, 2024. If any responsive records can be made available at that time, we will do so. Also, if additional time is required for providing any responsive records, we will notify you. Nothing in this letter should be construed as a representation by the City that such record(s) (if they exist) are subject to public disclosure.

Please contact this office if you have any questions regarding the information provided in this letter.

Sincerely,

William A. Vaughn

William A. Vaughn

City Attorney