



Holly Wolcott <holly.wolcott@lacity.org>

Fwd: Re: CPRA request (LACC.2016.08.05.b)

13 messages

Wed, Aug 10, 2016 at 3:55 PM

[REDACTED]
To: Holly Wolcott <holly.wolcott@lacity.org>
Cc: rita.moreno@lacity.org, tara@devine-strategies.com

Dear Holly,

For some reason no one in your office will give me a copy of the mailing list used to send out the petitions for the Venice Beach BID. As you can see, Rita tells me to contact Tara Devine and ask her for this list (which I did, although I don't know why she would answer me, which she hasn't).

Probably you're aware that CPRA specifically does not require that a local agency own or possess a record for it to be disclosable. In particular, the law states explicitly that records that are "used" by local agencies in the conduct of the public's business are public records. The very same section of the statute mentions records that are owned or possessed by the agency, so it's abundantly clear that the legislature did not mean the word "used" to act as a synonym for "owned" or "possessed."

This mailing list is clearly used by the City to accomplish its purpose of establishing this BID. If it were possible for the City to avoid disclosing records via the stratagem of leaving them in the hands of private parties to use them on at the City's behest then CPRA would have essentially no force at all. Hence Rita's argument, that you all don't have the list, is unsound.

Please also note that CPRA states explicitly that all of its exemptions are voluntary and unbinding on your part. The law explicitly allows you to release this information because you think it's the right thing to do, even if you hear some arguments against doing so. If you're inclined to delay, I hope you will consider taking this route rather than, e.g., asking the City Attorney what to do and waiting weeks for their answer.

The list won't be of much use to anyone after August 23, so I really hope you can intervene in this process and send a copy to me promptly, as the law requires.

Thanks for your time,

[REDACTED]
----- Original message -----

From: Rita Moreno <rita.moreno@lacity.org>
To: [REDACTED]
Subject: Re: CPRA request (LACC.2016.08.05.b)
Date: Wed, 10 Aug 2016 11:43:25 -0700

Dear [REDACTED]

Per your request under the California Public Records Act, attached is part one of the petitions submitted by Devine Strategies in support of the

proposed Venice Beach Business Improvement District. We have redacted the signatures to protect against identity theft. Due to file size, part two will follow.

Regarding your request for the sources used to verify the petitions and the mailing list used by Devine Strategies during the petitioning process, we have no responsive records. You may wish to access the County Assessor's system as we do to verify the petitions, and contact Devine Strategies for the mailing list.

Thank you.

Rita

On Tue, Aug 9, 2016 at 4:02 PM, Miranda Paster
<miranda.paster@lacity.org>
wrote:

>
> ----- Forwarded message -----
> From: [REDACTED]
> Date: Fri, Aug 5, 2016 at 3:48 PM
> Subject: CPRA request (LACC.2016.08.05.b)
> To: Miranda Paster <miranda.paster@lacity.org>
>
>
> Dear Ms. Paster,
>
> I read in the Clerk's report to Council with respect to Council File
> 16-0749 that the Clerk received a set of petitions from Devine
> Strategies and then verified them using sources. I'd like to see those
> petitions and also the sources used to verify them. Also, I'd like to
> see the mailing list that Devine Strategies used during the petitioning
> process. With respect to that, I'd like to note that under CPRA,
> records which are "used" by the Clerk are considered to be public
> records, whether or not they are owned by the Clerk.
>
> Thanks,
>
> [REDACTED]
>
>
>
> --
> Counting my blessings - Sing and be Happy Today!
>
> [http://clerk.lacity.org/stellent/groups/departments/@clerk_
> master_contributor/documents/contributor_web_content/lacityp_026712.png](http://clerk.lacity.org/stellent/groups/departments/@clerk_master_contributor/documents/contributor_web_content/lacityp_026712.png)
>

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Rita Moreno
City of Los Angeles
Office of the City Clerk
Neighborhood and Business Improvement District Division
200 N. Spring Street, 2nd Floor #237
Los Angeles, CA 90012
Office (213) 978-1122
Fax (213) 978-1130

Holly Wolcott <holly.wolcott@lacity.org>
To: Miranda Paster <miranda.paster@lacity.org>

Wed, Aug 10, 2016 at 3:59 PM

----- Forwarded message -----

From: [REDACTED]
[Quoted text hidden]

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Holly L. Wolcott

Email: holly.wolcott@lacity.org
Phone: [213-978-1020](tel:213-978-1020)

City Clerk

City of Los Angeles
200 North Spring Street, Rm. 360
Los Angeles, CA 90012



Holly Wolcott <holly.wolcott@lacity.org>
To: [REDACTED]
Cc: rita.moreno@lacity.org, Tara Devine <tara@devine-strategies.com>
[REDACTED]

Wed, Aug 10, 2016 at 4:02 PM

I have verified with Miranda that the City Clerk does not have the list that was used to send out the petitions.

Holly
[Quoted text hidden]

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Holly L. Wolcott

Email: holly.wolcott@lacity.org
Phone: [213-978-1020](tel:213-978-1020)

City Clerk

City of Los Angeles
200 North Spring Street, Rm. 360
Los Angeles, CA 90012



Wed, Aug 10, 2016 at 4:04 PM

To: Holly Wolcott <holly.wolcott@lacity.org>
Cc: rita.moreno@lacity.org, Tara Devine <tara@devine-strategies.com>

Thanks, Holly. I'm aware that you don't have the list. The point is that you all used and are using the list, which makes it a public record. I'm asking you to get it from Tara Devine in response to my request since there's no way on earth she's going to give it to me.

Thanks again,

[Quoted text hidden]

> *Holly L. Wolcott*
>
> Email: *holly.wolcott@lacity.org <holly.wolcott@lacity.org>*
> Phone: *213-978-1020*
>
>
>
>
> *City Clerk*
>
> City of Los Angeles
> 200 North Spring Street, Rm. 360
> Los Angeles, CA 90012
>
> <<http://cityclerk.lacity.org/m.clerkconnect/>> [image:
> <http://lacity.org/311-directory-online-services/mobile-apps-and-sites/myla311>]
> <<http://lacity.org/311-directory-online-services/mobile-apps-and-sites/myla311>>

Holly Wolcott <holly.wolcott@lacity.org>
To: Mike Dundas <mike.dundas@lacity.org>

Wed, Aug 10, 2016 at 4:27 PM

Mike,

Am I under any legal obligation to try and obtain a mailing list that the consultant uses to send out petition for BIDs? We do not have it.

----- Forwarded message -----

From: [REDACTED]
Date: Wed, Aug 10, 2016 at 4:04 PM
Subject: Re: CPRA request (LACC.2016.08.05.b)

[Quoted text hidden]

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City Clerk

City of Los Angeles
200 North Spring Street, Rm. 360
Los Angeles, CA 90012

Holly L. Wolcott

Email: holly.wolcott@lacity.org
Phone: [213-978-1020](tel:213-978-1020)



Mike Dundas <mike.dundas@lacity.org>
To: Holly Wolcott <holly.wolcott@lacity.org>

Wed, Aug 10, 2016 at 4:38 PM

Rita told me that the consultant was under contract to the BID not the city. If that is correct then the city does not have the list in its possession and cannot produce it. Since the BID is subject to the CPRA, the bid should respond to his request.

[Quoted text hidden]

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Holly Wolcott <holly.wolcott@lacity.org>
To: Mike Dundas <mike.dundas@lacity.org>

Wed, Aug 10, 2016 at 4:39 PM

Thanks.

[Quoted text hidden]

Holly Wolcott <holly.wolcott@lacity.org>
To: [REDACTED]
Cc: rita.moreno@lacity.org, Tara Devine <tara@devine-strategies.com>

Wed, Aug 10, 2016 at 4:44 PM

We have not had the list nor have we used the list. The list was prepared and used by a private consultant to mail out petitions. When we verify the returned petitions, we verify them individually against the County's database which you have access to as well as the petitions themselves.

[Quoted text hidden]

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Holly L. Wolcott

City Clerk

Email: holly.wolcott@lacity.org

Phone: [213-978-1020](tel:213-978-1020)

City of Los Angeles
200 North Spring Street, Rm. 360
Los Angeles, CA 90012



Wed, Aug 10, 2016 at 4:52 PM

[REDACTED]
To: Holly Wolcott <holly.wolcott@lacity.org>
Cc: rita.moreno@lacity.org, Tara Devine <tara@devine-strategies.com>

Thanks, Holly. It's my understanding that the BID formation process was initiated by the City, which means that the list was used to further the City's purpose in establishing this BID, making it a public record. Also, in many cases the City Clerk even pays the consultant to make this list, which also makes it a public record. If the list is public in cases where the City pays for its creation it must also be public in cases where it does not, since the information itself is equivalent.

I just don't understand why you all, and everyone at every BID in the City, is so resistant to anyone getting access to their mailing lists. If you're not going to help me get the list, and it looks as if you're not, maybe you could at least tell me why it's so secret?

Please reconsider.

Thanks again,

[REDACTED]

[Quoted text hidden]

Wed, Aug 10, 2016 at 5:01 PM

[REDACTED]
To: Holly Wolcott <holly.wolcott@lacity.org>
Cc: rita.moreno@lacity.org, Tara Devine <tara@devine-strategies.com>

Dear Holly,

One last thing. The Clerk's own outline on BID formation (attached for reference) says that if proponent groups are too broke to hire a consultant and don't want the City to pay for a consultant, the Clerk's staff will act as a consultant. In such a case clearly they will produce a list, and clearly that list will be a public record. Thus the creation of such lists serves some purpose of the City's, otherwise why would they ever do it? If some lists serve the City's purposes then they all do, including this one, so it's a public record.

thanks again,

[REDACTED]


On Wed, Aug 10, 2016, at 04:44 PM, Holly Wolcott wrote:

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> > <http://lacity.org/311-directory-online-services/>
> > [mobile-apps-and-sites/myla311](#)]

> > > <<http://lacity.org/311-directory-online-services/mobile-apps-and-sites/myla311>>
> >
>
>
>

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 **lacityp_025626.pdf**
119K

Holly Wolcott <holly.wolcott@lacity.org>

Wed, Aug 10, 2016 at 5:13 PM

To: [REDACTED]
Cc: Rita Moreno <rita.moreno@lacity.org>, Tara Devine <tara@devine-strategies.com>

The City Clerk did not initiate the process nor is the consultant under contract with the City Clerk. This is a private consultant and not one that has been paid by the City Clerk for this project. We cannot provide to you what we do not have. We have provided you with the information that we do have.

On Wed, Aug 10, 2016 at 4:52 PM, [REDACTED] wrote:

Thanks, Holly. It's my understanding that the BID formation process was

[Quoted text hidden]

--



Holly L. Wolcott

Email: holly.wolcott@lacity.org
Phone: [213-978-1020](tel:213-978-1020)

City Clerk

City of Los Angeles
200 North Spring Street, Rm. 360
Los Angeles, CA 90012



Wed, Aug 10, 2016 at 5:15 PM

[REDACTED]
To: Holly Wolcott <holly.wolcott@lacity.org>
Cc: Rita Moreno <rita.moreno@lacity.org>, Tara Devine <tara@devine-strategies.com>

Dear Holly,

Thanks for your response. If you all didn't initiate the process, which I believe, did CD11? Who in the City did initiate the process?

thanks again,
[REDACTED]

[Quoted text hidden]

Holly Wolcott <holly.wolcott@lacity.org>

Wed, Aug 10, 2016 at 5:16 PM

To: [REDACTED]
Cc: Rita Moreno <rita.moreno@lacity.org>, Tara Devine <tara@devine-strategies.com>

I do not have that information.

[Quoted text hidden]



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