

Re: CPRA request (FDBID.2017.02.21.a)

From: [REDACTED]
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.02.21.a)
Date: Wednesday, April 12, 2017 5:36 PM
Size: 7 KB

Thanks, Rena.

Will you please reconsider the completely implausible claim that your consultants' hourly rates are trade secrets? I won't quibble with you over the issue of how much time they spend on what, although I think your claim that that's secret is an ultimately unsupportable overreach. But I think there is absolutely no way to defend a claim that how much Steve Gibson charges for his time and the time of his employees is a trade secret or otherwise exempt from disclosure. UPC must, e.g., release this information to potential clients before they sign a contract, otherwise how would they know if they could afford to sign up? Or if they were going to be cheated if they did sign up. This is something which just isn't done with exempt proprietary information.

Furthermore, if any of the information provided to the FDBID by UPC were actually proprietary and/or a trade secret, one would expect to see a clause in the contract forbidding clients from releasing this information. It's not as if the contract's drafters weren't cognizant of confidentiality, as there's a lot of language in there prohibiting UPC from releasing FDBID's secrets. This, along with the fact that there is exactly no language forbidding FDBID from releasing UPC's information, also supports my claim that these hourly rates can not possibly be exempt from release.

Finally, with respect to your cursory argument about weighing public benefits, it is ultimately unconvincing. It's my understanding that a BID's refusal to release contract details exactly like this one to stakeholders and others is precisely what led California Courts to rule that BIDs are subject to CPRA. The public has a huge interest in knowing how public funds are being spent, and if local agencies are allowed to keep the hourly rates of their consultants secret all manner of impropriety and/or the appearance of impropriety may be expected to ensue. The public benefit in releasing precisely this information is so large that it's pretty much impossible to imagine any specific facts that would outweigh it.

In short, I hope we can compromise on your telling me UPC's hourly rates without telling me how much time they are spending on each aspect of your renewal.

Thanks for thinking about it,

[REDACTED]

On Wed, Apr 12, 2017, at 05:02 PM, Rena Leddy wrote:

[REDACTED]

I have determined that Urban Consulting's contract contains information that constitutes proprietary and/or trade secret information and the public benefit in non-disclosure does not outweigh the public benefit in disclosure under California Government Code § 6254(k) and 6255. In addition, I determined the detail pertaining to the task to be performed and the time allotted constitutes management's deliberative process and is also subject to redaction. I have not redacted the budget for the contract.

Rena

-----Original Message-----

From: [REDACTED]
Sent: Monday, April 10, 2017 6:16 AM
To: Rena Leddy <rena@fashiondistrict.org>
Subject: Re: CPRA request (FDBID.2017.02.21.a)

Good morning, Rena.