

VIA U.S MAIL AND FAX
650.726.6025

October 14, 2004

Jeanine Gore
Half Moon Bay Review
714 Kelly Avenue, P.O. Box 68
Half Moon Bay, CA 94019

Re: Public Records Request

Ms. Gore:

This letter is in response to your letter dated October 4, 2004, and addressed to Debra Ryan, Half Moon Bay City Manager, requesting certain information from the City of Half Moon Bay. Your letter was received by the City on October 4.

Your request asks for "any appraisals or other information used to determine the value of the approximately 22 acres of property at 325 San Mateo (APN: 056-260-090)" and "the entire Property Due Diligence Report dated Sept. 3, 2004 for the same property."

Under the Public Records Act (Gov. Code §§ 6250 et seq.), ("PRA") you are entitled to copies of identifiable, non-exempt public records. (Gov. Code § 6253) The City is under no obligation to create records that do not already exist.

With respect to your request for "appraisal or other information used to determine the value of" 325 San Mateo, we are now in the process of reviewing your request to determine the extent to which the City has identifiable, non-exempt public records that fit within the description of the records you have requested.

As a result of the need of the City's need to coordinate its search and review of relevant documents with the City Manager and the City Attorney's office, the City will need additional time to complete its determination of your request for "appraisals and other information" related to the value of the property. You should expect to receive notification of the City's final determination regarding your request for such records no later than October 28, 2004.

With respect to your request for the "Property Due Diligence Report dated Sept. 3, 2004" we have determined that the document requested is exempt from disclosure in accordance with Government Code Section 6254(k) establishing exemptions for records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege. With respect to

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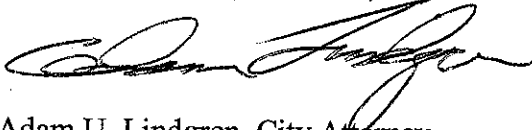
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the exemptions under Section 6254(k), we have determined that the document requested is exempt from disclosure because it is privileged pursuant to the "attorney/client privilege" which is codified in California Evidence Code Section 954. Accordingly, your request for the "Property Due Diligence Report dated Sept. 3, 2004" is denied.

If you have any questions about this letter, please call me.

Sincerely,

MEYERS, NAVE, RIBACK, SILVER AND WILSON



Adam U. Lindgren, City Attorney
City Attorney

c: Debra Ryan, City Manager
Siobhan Smith, Interim City Clerk

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