

To: Yuriko Shikai

From: Ellen Endo

Date: July 10, 2018

Re: CPRA Seminar for Downtown Business Improvement Districts

Rena Leddy, Executive Director, Fashion District BID convened the meeting and introduced an attorney (didn't get her name) who is experienced in the terms of the California Public Records Act. There were 35 people in attendance—all from Downtown BIDs and nearby BIDs.

- BIDs operate under contracts with the City of Los Angeles. Most operate with assessments collected from property owners in their District. Little Tokyo is a merchant-based, not a property-based BID.
- BIDs are “public agencies” and not “public entities.”
- When receiving a request under CPRA, BIDs are only required to supply documents, emails, etc. that pertain to BID business. Requests must be “focused and specific.” A request for all emails to or from lacity.org is impossible to fulfill.
 - a) Ask the requester what he/she is looking for. BIDs may withhold records under certain exemptions. It is permissible to **redact** personal contact information—personal info, birthdays, names of children and/or family members. It should be noted that providing emails in “native format” exposes an individual’s IP address.
 - b) You cannot redact government email addresses.
 - c) Use BID email addresses only for BID business.
 - d) You do not need to save most emails. If you want to preserve important information that was sent by email, print it out, make a copy, and delete it from your computer.
 - e) Day-to-day documents are BID work product.
- Try not to use BID email address for personal matters, medical records, salary and employment contracts, performance evaluations, etc. In the case of a consultant, just give name of firm and hourly rate and/or retainer amount.
- Attorney/client communications and consultant retainer agreements need not be shared.
- Segregate the exempted material.
- **RESPONSE IS REQUIRED WITHIN 10 DAYS, BUT YOU DON'T HAVE TO PRODUCE THE MATERIAL WITHIN 10 DAYS.**
- **CATCH-ALL:** The public benefit in non-disclosure outweighs the public interest in disclosure.
- Producing as record waives any exemption to produce that record going forward.

Suggested Best Practices

Recommended wording from California Downtown Association, California League of Cities (Joanne has requested copy of Power Point presentation, which included the following:

- Your request does not seek disclosable records within the meaning...nor “in the format maintained by our BID.”

- “The _____ BID has determined that you seek records exempt from disclosure as...” Tell the requester which documents you are exempting, and prepare the non-exempt docs.
- “We will extract the data but must hire somebody to do that @ \$250/hour (insert actual cost). Estimated time: 10 hours (insert actual estimate).
- There is an Adobe program that redacts meta data automatically once a document has been saved.
- DON'T RETAIN NON-ESSENTIAL DOCUMENTS. MAINTAIN A TIGHT WINDOW OF RETENTION (90 days or less). PRINT OUT THE ONES YOU THINK ARE IMPORTANT (Don't keep them in your inbox.)
- Get VPN service (or turn it on) to mask your IP address.
- The following BID documents are discoverable:
 - a) Emails
 - b) Bank statements (but can be redacted)
 - c) BID security reports
 - d) Attorney invoices and contracts

Additional Comments

- BIDs may seek a legislative solution and have spoken to State Assemblymember about the situation. One idea proposed was to pool resources to hire a lobbyist.
- One BID fought two suits. Demand was for \$17,500. In both cases, the BIDs won 99% but still incurred attorney's fees. Final cost was approximately 1/5 of what was actually incurred (I'm not sure what was meant by this nor do I know which BID, but I think we can obtain this information.)

Why are Adrian Riskin/Katherine McNenny taking these actions?

- Both (and perhaps others) are trying to build a case against the City of L.A. Department of Neighborhood Empowerment (DONE) who they feel rigged the election to defeat the formation of the Skid Row Neighborhood Council.
- Riskin teaches at Whittier College and publishes a blog in which he regular defames BID leaders. In his blog he offers advice on “how to destroy a BID.” He was quoted in L.A. Magazine, saying that his purpose is to “terrorize BIDs.” The L.A. Times described him as a “CPRA expert.”

Recommended Reading

The People's Business: A Guide to the CPRA by the California League of Cities.