

# Alameda County Sheriff's Office

LAKESIDE PLAZA, 1401 LAKESIDE DRIVE, 12th FLOOR, OAKLAND, CA 94612-4305



CC: PF  
MM

Gregory J. Ahern, Sheriff

Coroner - Public Administrator - Marshal  
Director of Emergency Services

510-268-6866

November 15, 2010

City of San Jose  
Mayor Chuck Reed  
200 East Santa Clara Street  
18<sup>th</sup> Floor  
San Jose, CA 95113

VIA U.S. MAIL

RE: California Public Records Act Request

Dear Mayor Reed:

This letter responds to your public records act request dated October 21, 2010.

I note the following with respect to your request:

Each request purports to seek documents under the Federal Freedom of Information Act (FOIA). As a local government official, you may know that FOIA does not apply to local governments. All of the responses, therefore, are pursuant to the California Public Records Act (CPRA).

Some of the requests seek information and/or responses to interrogatories. The CPRA only requires the production of documents. Interrogatories are not proper for a public records request, and the CPRA does not require a response to interrogatories.

No privileged documents will be produced pursuant to California Government Code section 6254(k). This includes documents protected by the attorney client privilege, attorney work product, and the official information privilege. (See, e.g., Cal. Evid. Code §§ 952, 954, 1040; Cal. Bus. & Prof. Code § 6202.)

No preliminary drafts or memorandum not normally kept in the ordinary course of business will be produced pursuant to California Government Code section 6254(a).

Any response to this request does not imply any admission, consent, or acknowledgement to the various assertions in your letter, such as, by way of example, your assertion that any of the documents referenced affect "the rights of the City of San Jose."

Subject to these observations and objections, the responses to your requests are as follows:

**Request No. 1:** This request seeks documents that pertain to my "authority to sign" to sign certain documents and the "legal status" of certain entities. These terms are not only vague, but also encompass legal conclusions and analysis. The CPRA does not require a respondent to

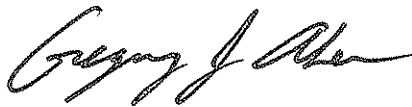
**Request No. 6:** This request seeks documentation explaining "why [my] FCC filing describes Project Cornerstone as 'the Bay WEB pilot,' and why the contacts on the request for experimental license are a Motorola attorney and the General Manager of the Bay Area UASI."

To the extent that I have them, I will provide you with documents that should educate you on Project Cornerstone and the Bay WEB pilot. As for the second sub-category, you may have to go to UASI for those documents. If I have any responsive documents, I will produce those. Of course, I will produce non-exempt, non-privileged records.

**Request No. 7:** This request seeks documents related to UASI funds. You should seek these documents from UASI. If I have any responsive documents, I will produce them.

I will produce the non-exempt, non-privileged records that are responsive to your requests as I have interpreted them by December 13, 2010. If the volume is large, the production may begin on a rolling basis on that date.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory J. Ahern". The signature is fluid and cursive, written in a professional style.

Gregory J. Ahern  
Sheriff-Coroner