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**Exempt from Filing Fees  
Government Code § 6103**

6 Attorneys for Petitioner and Plaintiff  
CITY OF PALM SPRINGS  
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF RIVERSIDE**

11 CITY OF PALM SPRINGS,  
12 Petitioner and Plaintiff,  
13 v.  
14 DESERT COMMUNITY COLLEGE  
DISTRICT and DOES 1 through 20, inclusive,  
15 Respondents and Defendants.  
16

**CASE NO.**  
*Unlimited Jurisdiction*

1. **PETITION FOR WRIT OF  
MANDATE FOR VIOLATION OF  
THE CALIFORNIA PUBLIC  
RECORDS ACT, GOV. CODE, §  
6250 ET SEQ., AND**
2. **COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

(Calendar Preference under Gov. Code, § 6258)

Colantuono, Highsmith & Whatley, PC  
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PASADENA, CALIFORNIA 91101-2109

1 1. Petitioner and Plaintiff City of Palm Springs (“City”) brings this petition and  
2 complaint against Defendant and Respondent Desert Community College District (“College”) and  
3 other as of yet unknown entities and individuals identified as DOES 1 through 20 (collectively,  
4 “Defendants”) on the following grounds:

5 **I. PARTIES**

6 2. Petitioner and Plaintiff City of Palm Springs is, and at all times mentioned herein  
7 was, a charter city established under the City’s charter and Article XI, section 5 of the California  
8 Constitution.

9 3. The City is informed and believes, and thereon alleges, that respondent and defendant  
10 Desert Community College District (also known as College of the Desert) is a community college  
11 established under Education Code section 70900 et seq. The College has several campus locations —  
12 both currently existing and planned — in the Coachella Valley in Riverside County. The District’s  
13 boundaries run along Interstate 10 from the City of Palm Springs in the west to the City of Mecca in  
14 the east. The District includes the cities of Desert Hot Springs, Cathedral City, Palm Desert, Indio,  
15 Coachella, and Thermal. The College’s main campus is in the City of Palm Desert.

16 4. The College is governed by a Board of Trustees elected by and from five electoral  
17 districts within the Coachella Valley.

18 5. The College is a public agency subject to the California Public Records Act. (Gov.  
19 Code, § 6253, subd. (a).)

20 6. The City is unaware of the true names and capacities, whether individual, corporate,  
21 or otherwise, of Defendants Does 1 through 20, inclusive, and therefore sues those parties by such  
22 fictitious names. The City will seek leave to amend this Complaint to state the true names and  
23 capacities of the fictitiously named parties and to insert appropriate allegations concerning them  
24 when their true names have been ascertained.

25 7. The City is informed and believes, and thereon alleges, that all defendants are, and at  
26 all times mentioned herein were, the agents, servants, representatives, employees, or assigns of the  
27 other defendants herein, whether named or unnamed, and in doing the things alleged herein were  
28 acting within the scope of such authority as agent, servant, representative, employee, or assign with

1 the knowledge, permission, consent, and authorization of each co-defendant. Actions taken, or  
2 omissions made, by each defendant are considered to be actions or omissions of the other defendants  
3 for purposes of this Complaint.

## 4 II. INTRODUCTION

5 8. This action arises from the College’s slow and incomplete responses to the City’s  
6 repeated requests for public records related to the College’s campus development plans for Palm  
7 Springs. The College’s lack of transparency around campus development in the western Coachella  
8 Valley forced the City to seek answers through public records requests. Unfortunately, instead of  
9 responding to the City’s requests in the manner required by law, the College continues its pattern of  
10 stonewalling, evasion, and delay. The City therefore brings this action to compel the College to  
11 comply with the California Public Records Act, Government Code section 6250 et seq.  
12 (the “CPRA”).

### 13 A. The College’s Changing Plans for a Palm Springs Campus

14 9. Coachella Valley voters within the Desert Community College District have approved  
15 two bond measure to fund new College facilities: (1) a \$346.5 million bond measure in 2004  
16 (Measure B), and (2) a \$577.8 million bond measure in 2016 (Measure CC). Since 2007, the College  
17 has promised to use this bond money to build a campus to serve the cities of Desert Hot Springs,  
18 Palm Springs, Cathedral City, and other communities on the western side of the Coachella Valley. A  
19 West Valley campus would complement the College’s main campus in the City of Palm Desert.

20 10. In 2014, the College approved an environmental impact report (EIR) for a West  
21 Valley campus on the site of the former Palm Springs Mall. In 2016, the College approved a master  
22 plan for the proposed campus. The EIR and West Valley Campus Master Plan describe a 310,000  
23 square foot campus designed around for “pillars” of academic instruction:

- 24 a. Hospitality & Culinary Arts
  - 25 b. Film and Media Arts
  - 26 c. Healthcare & Health Services
  - 27 d. Sustainable Technology
- 28

1           11.     The College’s current planning documents maintain the College’s intent to build a  
2 West Valley Campus on the Palm Springs Mall site. The College’s 2017–2022 Educational Master  
3 Plan describes the College’s efforts to better serve those West Valley communities currently  
4 underserved by the College’s East Valley campus in Palm Desert. Adding a campus in Palm Springs  
5 would improve access to educational opportunities for West Valley residents by increasing their  
6 proximity to the College’s services.

7           12.     The Educational Master Plan anticipates a Palm Springs campus that would offer  
8 instructional programs designed around the four academic “pillars” described in the 2016 West  
9 Valley Campus Master Plan. The College’s 2019 Facilities Master Plan, which builds on and  
10 implements the 2017 Educational Master Plan, also anticipates a West Valley Campus on the former  
11 Palm Springs Mall site. Those planning documents refer to the future Palm Springs campus as the  
12 “Palm Springs Development Project.”

13           13.     The College has started to implement the Palm Springs Development Project. In early  
14 2018, the College acquired the Palm Springs Mall site for approximately \$20 million. It completed  
15 demolition of the mall in 2019.

16           14.     In September 2019, the College approved a Hospitality Management Program  
17 Manager to develop and operate an instructional hotel, restaurant, and event space to be constructed  
18 at the Palm Springs Development Project, in accordance with the Hospitality & Culinary Arts  
19 “pillar” of instruction.

20           15.     In February of 2020, the College presented early drawings of the Palm Springs  
21 campus at a Modernism Week event. By April of 2020, the Master Program for the Palm Springs  
22 Development Project was nearly complete, and the College issued a request for qualifications to  
23 provide architectural design services for the Palm Springs Development Project. In December of  
24 2020, the College approved a \$4.2 million contract with WRNS Studio for consultant services for  
25 the Palm Springs Development Project. By August of 2021, WRNS Studio had prepared a high-level  
26 scoping diagram for a \$350 million project. WRNS Studio proposed to begin schematic design in  
27 September of 2021. In April of 2022, the College’s bond program manager, Mac McGinnis of  
28

1 MAAS Companies, told the Palm Springs City Council that schematic designs for the Palm Springs  
2 Development Project were about 30 percent complete.

3 16. A change in the College’s administration brought an abrupt change in its campus  
4 development plans. In March of 2021, Dr. Joel Kinnamon, the College’s president since 2012,  
5 retired. In July of 2021, Interim President Jeff Baker told The Desert Sun, the local newspaper for  
6 the Coachella Valley, that the College was considering a new campus in the City of Coachella.  
7 Current President Martha Garcia took over from Mr. Baker in August of 2021. In October of 2021,  
8 Dr. Garcia announced that the College was reevaluating an automotive technology campus planned  
9 for the West Valley in Cathedral City. Then, in November of 2021, Dr. Garcia told The Desert Sun  
10 that the Palm Springs campus needed additional evaluation. In January 2022, the College’s bond  
11 program manager reported that the Palm Springs Development Project was no longer scheduled to  
12 start construction in Fall of 2023 — the project was now paused.

13 17. These apparent changes in the College’s campus development plans, which were  
14 made without public input or explanation, prompted the City to submit a series of public records  
15 requests for information about the campus long promised to West Valley taxpayers.

16 **B. The City of Palm Springs’ Requests for Public Records Related to Campus**  
17 **Development**

18 **I. The December Request.**

19 18. On December 8, 2021, the City sent the College a request for public records related to  
20 campus planning for eight different locations within the Desert Community College District (the  
21 “December 2021 Request”). The December 2021 Request sought 67 categories of documents,  
22 largely repeating the same five document descriptors for each of the eight campuses to aid the  
23 College in identifying records and responding to the request. A true and correct copy of the City’s  
24 December 2021 Request is attached hereto as **Exhibit A**.

25 19. For each campus identified in the December 2021 Request, the City requested records  
26 related to:

- 27 • Development of the campus,

- 1 • Consideration by the District, its staff members, or officials regarding the current or
- 2 future use of the campus,
- 3 • Planning of the use of the campus or any portion thereof,
- 4 • Public meetings where the current or future use of the campus was considered, and
- 5 • Decisions by the District, its staff members, or officials regarding the current or future
- 6 use of the campus.

7 (Exh. A, pp. 4–8 [categories 12–16 & 22–56].)

8 20. In the nine months since the City made its request, the College has failed to produce  
9 records documenting its plans for current or future use of the Palm Springs Mall site.

10 21. The College initially responded to the December 2021 Request by objecting to some  
11 of the City’s requests, responding to some of the City’s requests, or informing the City that it had not  
12 yet determined whether it possessed responsive documents. Of the 67 categories of documents the  
13 City specified, the College only responded to seven, and it only produced 12 documents responsive  
14 to those seven categories. A true and correct copy of the College’s December 20, 2021 letter is  
15 attached hereto as **Exhibit B**.

16 22. The City responded to the College’s objections on February 4, 2022 by clarifying the  
17 requests the College objected to. A true and correct copy of the City’s February 4, 2022 letter is  
18 attached hereto as **Exhibit C**. On February 18, 2022, the City asked the College to update its  
19 response. In a series of emails from March 1 to March 3, 2022, the College produced three new  
20 documents, agreed to a rolling production of records, and asked the City to focus its request on  
21 specific documents. The City asked the College to produce records related to campus development in  
22 Palm Springs and to produce the newest documents first. A true and correct copy of this email  
23 exchange is attached hereto as **Exhibit D**.

24 23. On May 2, 2022, the College produced additional documents in response to the City’s  
25 December 2021 Request. The College maintained the City’s request was overbroad and vague, but it  
26 produced documents it determined are responsive to all but three of the categories the City  
27 identified. The College indicated it was still searching for documents responsive to categories 17  
28 (offers to purchase property the College owns in north Palm Springs), 18 (offers to sell the College’s

1 property in north Palm Springs), and 46 (decisions regarding current or future use of the  
2 Mecca/Thermal campus.) The College promised a further response by June 2, 2022. A true and  
3 correct copy of the District’s May 2, 2022 letter is attached hereto as **Exhibit E**.

4 24. Despite the number of documents produced on May 2, 2022, very few of them related  
5 to the City’s concerns over the future of the Palm Springs Development Project. The City requested  
6 all records relating to the College’s “[c]onsideration ... [of] current or future use of the Palm Springs  
7 Mall Campus or any portion thereof.” (Exh. A, p. 5.) The City also requested public records relating  
8 to any “[d]ecision by the [College] ... regarding current or future use of the Palm Springs Mall  
9 Campus ... .” (*Ibid.*) The City repeated these requests for other campus projects, including the  
10 Roadrunner Motors campus in Cathedral City and any potential campus the College was considering  
11 for the City of Coachella.

12 25. These requests were aimed at public records documenting the decision-making  
13 process that led to Interim President Baker to state that the College was considering a future campus  
14 in Coachella, and current President Garcia to state that the College needed to re-evaluate the Palm  
15 Springs Development Project and the Roadrunner Motors Project. The City expected to receive  
16 correspondence among city officials, or between the City and its architectural consultants, regarding  
17 the need to re-evaluate long-planned campus projects. The City received no such correspondence, or  
18 any staff memoranda explaining the College’s decision to pause development.

19 26. On May 11, 2022, City Manager Justin Clifton wrote directly to Dr. Garcia to ask the  
20 College to respond to the December 2021 Request in full. A true and correct copy of Mr. Clifton’s  
21 May 11, 2022 letter is attached hereto as **Exhibit F**. In response to the College’s complaint that the  
22 December 2021 Request was vague and overbroad, the Mr. Clifton repeated the City’s offer to  
23 narrow the City’s request to documents related to the Palm Springs Development Project, categories  
24 22–26. (Exh. F, p. 3.)

25 27. On June 2, 2022, the College responded to Mr. Clifton’s letter by promising a further  
26 production of documents through its legal counsel on or before July 12, 2022. A true and correct  
27 copy of the College’s June 2, 2022 response is attached hereto as **Exhibit G**. On July 12, 2022,  
28 counsel for the College emailed the City asserting that a major computer disruption prevented the

1 College from responding to the December 2021 Request when promised. A true and correct copy of  
2 the College’s July 12, 2022 email is attached hereto as **Exhibit H**.

3 28. On September 1, 2022, the College produced another tranche of documents related to  
4 the Palm Springs Mall Property. A true and correct copy of the College’s September 1, 2022  
5 response is attached hereto as **Exhibit I**.

6 29. The College stated it has produced all documents responsive to request 25, for  
7 records related to public meetings where current or future use of the Palm Springs campus was  
8 considered, and request 26, for records related to any decision by the District, its staff members, or  
9 officials regarding current or future use of the Palm Springs campus. None of the documents the  
10 College produced on September 1 are related to the College’s consideration or determination of the  
11 future of the Palm Springs Development Project. In light President Garcia’s announcements in late  
12 2021 and early 2022 that the Palm Springs Development Project was paused for re-evaluation, the  
13 College’s assertion that it has produced all documents related to its decision regarding the current or  
14 future use of the Palm Springs Mall Campus beggars belief.

15 30. The College promised additional documents by November 18, 2022.

16 **2. The June Requests.**

17 31. The City’s wide-ranging December 2021 Request did not obtain records explaining  
18 the future of the Palm Springs Development Project, so on June 21, 2022, the City sent the College  
19 two more focused public records requests.

20 32. The first requested monthly bond reports the College’s bond program manager  
21 presented to the College’s Board of Trustees. The College produced all records responsive to this  
22 request, and this request is not at issue.

23 33. The second request of June 21, 2022 (the “June 21 Request”) sought records related  
24 to a feasibility study for the Palm Springs Development Project the College commissioned from  
25 Cambridge West Partnership, LLC on January 21, 2022, as well as any other feasibility studies the  
26 College has ever conducted for the Palm Springs Development Project. A true and correct copy of  
27 the City’s June 21, 2022 request for feasibility studies of the Palm Springs Development Project is  
28 attached hereto as **Exhibit J**. The College objected to the City’s request and stated it would



1 determine whether it has any responsive documents by August 31, 2022. A true and correct copy of  
2 the College’s July 1, 2022 response is attached hereto as **Exhibit K**.

3 34. The College did not respond on August 31, 2022.

4 **3. The August 2022 Requests.**

5 35. On August 4, 2022, the College held a virtual community forum regarding  
6 programming for Phase 1 of the Palm Springs Development Project. At that forum, the community  
7 learned that College administrators were unilaterally reducing the scope of the Palm Springs  
8 Development Project.

9 36. The project the College presented on August 4 was substantially smaller than 310,000  
10 square foot campus described in the College’s current planning documents. The College described a  
11 reduced campus of 114,000 square feet, one-third of the size of earlier designs. The reduced campus  
12 would only cover half of the former Palm Springs Mall site. The College stated that the rest of the  
13 site would be developed in a future “phase 2,” but provided no details.

14 37. The College’s presentation did not refer to the four program “pillars” described in  
15 Campus Master Plan, Educational Master Plan, the Facilities Master Plan, and the Master Program  
16 for the Palm Springs Development Project. Additionally, programming appeared to be incomplete:  
17 For example, the presentation referred to a possible architecture program, “size to be decided.”  
18 Nevertheless, the schedule the College published indicated its architect, WRNS Studio, would begin  
19 designing the campus building(s) in September 2022.

20 38. In an effort to understand the College’s decision-making process and scope of this  
21 new plan, the City submitted a series of discrete public records requests for documents explaining  
22 the reduction of the Palm Springs Development Project.

23 39. On August 11, 2022, the City requested communications among the August 4, 2022  
24 the College’s presenters, questions submitted by the public, or comments by the public submitted to  
25 the College received about the August 4, 2022 virtual community forum (the “August 11 Request”).  
26 A true and correct copy of the City’s August 11 Request is attached hereto as **Exhibit L**.

27 40. On August 12, 2022, the City requested specific records referred to by one of the  
28 College’s presenters, Dr. Christina Tafoya (the “August 12 Request”). Dr. Tafoya stated that the

1 College spent six months updating programming and plans for the Palm Springs Development  
2 Project. The City requested public records related to those updates and the College’s review of the  
3 project. A true and correct copy of the City’s August 12 Request is attached hereto as **Exhibit M**.

4 41. On August 15, 2022, the City requested all emails between the College of the Desert  
5 and its architect, WRNS Studio (the “August 15 Request”). A true and correct copy of the City’s  
6 August 15 Request is attached hereto as **Exhibit N**.

7 42. The College responded to the August 12 Request and the August 15 Request in a  
8 letter dated August 22, 2022. The College stated it “is in the process of reviewing its public records  
9 to identify documents responsive to the Requests,” and would produce any responsive records it  
10 identified on November 18, 2022. A true and correct copy of the College’s August 22, 2022 response  
11 is attached hereto as **Exhibit O**.

12 43. The College responded to the August 11 Request in a letter dated August 23, 2022. As  
13 in its August 22 letter, the College indicated it is reviewing its records to identify documents  
14 responsive to the requests. It estimated production of documents on or before November 18, 2022. A  
15 true and correct copy of the College’s August 23, 2022 response is attached hereto as **Exhibit P**.

16 44. The City now brings this action to compel the College to produce the public records  
17 the City requested in its December 2021 Request, June 21 Request, August 11 Request, August 12  
18 Request, and August 15 Request.

### 19 III. JURISDICTION AND VENUE

20 45. This Court has jurisdiction, and venue is proper in this Court, because the acts giving  
21 rise to this action and the transactions herein complained of occurred in the State of California,  
22 County of Riverside.

### 23 IV. GENERAL ALLEGATIONS

24 46. The California Public Records Act requires public agencies like the College to make  
25 public records “available for inspection by any person requesting the record after deletion of the  
26 portions that are exempted by law.” (Gov. Code, § 6253, subd. (a).)

27 47. The College must “determine whether the request, in whole or in part, seeks copies of  
28 disclosable public records in the possession of the agency and shall promptly notify the person

1 making the request of the determination” within 10 days of receiving the request. (Gov. Code, §  
2 6253, subd. (b).) The College may extend this deadline by no more than 14 days. (*Ibid.*)

3 48. The College must use reasonable effort to identify responsive records. This means the  
4 College must ask its employees, agents, and contractors to search their personal devices for  
5 responsive records. (*City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 627–628 (*San Jose*)).

6 49. If the City’s request is unclear, ambiguous, or unduly burdensome, the College must  
7 work with the City to clarify and narrow the request. (Gov. Code, § 6253.1, subd. (a) [agency “shall”  
8 “[p]rovide suggestions for overcoming any practical basis for denying access to the records or  
9 information sought”].)

10 50. If the College determines it possesses responsive records, it must provide the City  
11 “the estimated date and time when the records will be made available.” (Gov. Code, § 6253, subd.  
12 (c).) If the records are in electronic format, the College must make the records available in the format  
13 in which they are stored. (Gov. Code, § 6253.9, subd. (a)(1).)

14 51. The College must respond to all public records requests “promptly.” (Gov. Code,  
15 § 6253, subd. (b) [agency “shall make the records promptly available”].)

16 52. The City may sue to compel a response to its requests. (Gov. Code, § 6258.)

## 17 **V. CAUSES OF ACTION**

### 18 **FIRST CAUSE OF ACTION**

#### 19 **(CPRA Violation — Response to December 2021 Request)**

20 53. The City realleges and incorporates herein by reference each and every allegation  
21 contained in paragraphs 1 through 52, inclusive, as though set forth in full.

22 54. “California has declared, in terms as clear as the English language permits, that  
23 government business is the people’s business whether conducted in proceedings by deliberative  
24 bodies ... or discussed in records of any form, and must be accessible to the public ... .” (*Getz v.*  
25 *Superior Court* (2021) 72 Cal.App.5th 637, 641 (*Getz*)). The CPRA requires a “prompt” response to  
26 a public records request (Gov. Code, § 6253, subd. (b)), and the College’s response to the City’s  
27 December 2021 request is still incomplete over eight months after the College’s initial response.  
28 (*Filarisky v. Superior Court* (2002) 28 Cal.4th 419, 423 (*Filarisky*) [recognizing “fundamental right of

1 every person in this state to have **prompt** access to the information in the possession of public  
2 agencies,” emphasis added].) The College’s long delay in responding to the City’s request deprives  
3 the public of “prompt” access to the College’s records.

4 55. Additionally, the College has not determined whether it possesses records responsive  
5 to the December 2021 Request. The CPRA requires the College to determine whether it possesses  
6 responsive documents within 10 days of received the request. (Gov. Code, § 6253, subd. (c).) In  
7 “unusual circumstances,” such as the “need to search for, collect, and appropriately examine a  
8 voluminous amount of separate and distinct records that are demanded in a single request,” that  
9 deadline may be extended by 14 days.

10 56. The College is well past the 24-day deadline to determine whether it possess records  
11 responsive categories 17, 18, and 46 of the City’s December 2021 Request. On May 2, 2022, the  
12 College indicated it was still reviewing its files for records responsive to categories 17, 18, and 46.  
13 (Exh. E, pp. 5, 11.) Categories 17 and 18 seek documents related to the sale of a property the City  
14 transferred to the College for use as a college campus. (Exh. A, p. 2 [defining “West Valley  
15 Campus”], p. 4 [categories 17 and 18].) Category 46 seeks documents related to current or future use  
16 of the proposed Mecca/Thermal campus. (Exh. A, p. 7.)

17 57. Finally, if the College deems a request unfocused, it must help the requestor “make a  
18 focused and effective request that reasonably describes an identifiable record or records.” (Gov.  
19 Code, § 6253.1, subd. (a).) The College failed to work with the City to focus the December 2021  
20 Request.

21 58. The City’s February 4, 2022 letter answered each objection in the College’s initial  
22 December 20, 2021 response. For example, the City requested records related to “Consideration by  
23 the District, its staff members, or officials regarding the use of” the development of College of the  
24 Desert campuses at eight different locations listed in the December 2021 Request. (E.g. Exh. A, p. 5  
25 [category 23, requesting records reflecting consideration of Palm Springs Mall Campus].) The  
26 College objected that the term “consideration” is vague. (E.g. Exh. B, p. 5.) So, in its February 4  
27 letter clarifying its request, the City explained that consideration means “to think about, especially in  
28 order to make a decision; to contemplate; reflect on.” (Exh. C, pp. 3–4.)



1           65. The City therefore petitions this Court for a writ of mandate or injunction ordering the  
2 College to produce all records responsive to the June 21 Request. The City also petitions for its costs  
3 and reasonable attorney fees to bring this action. (Gov. Code, § 6259, subd. (d).)

4   **THIRD CAUSE OF ACTION**

5   **(CPRA Violation — Response to August 11 Request)**

6           66. The City realleges and incorporates herein by reference each and every allegation  
7 contained in paragraphs 1 through 65, inclusive, as though set forth in full.

8           67. The College’s August 23, 2022 response to the City’s August 11 Request sets an  
9 unreasonable date for production of records.

10          68. The City requested two categories of documents with a narrow focus:

- 11           a. “[A]ll communications sent to or from any of the Presenters (defined *infra*) ...
- 12   between 4:30 p.m. and 8:30 p.m. Pacific Daylight Time on August 4, 2022,”
- 13   and
- 14           b. “[A]ll questions or comments submitted to the College about the [August 4,
- 15   2022] Virtual Community Forum.” (Exh. I.)

16          69. The first request relates to documents among a limited number of people (the eight  
17 presenters defined in the request) **during the four hours while they were in the meeting.**

18          70. The second were for questions, including public comments, submitted during the  
19 same public meeting, and any other comments about the meeting received before or after.

20          71. The College responded to the request on August 23, 2022. The College did not object  
21 that these requests are vague, ambiguous, overbroad, or otherwise unintelligible. It does not allege it  
22 cannot identify the records the City requested. On page one of its August 23, 2022 response, the  
23 College states, “Upon receipt of a valid PRA request, the College must first determine if the  
24 documents requested are disclosable. (Government Code §6253(c).) This letter serves as the  
25 College’s notification of its determination pursuant to this Section.” (Exh. L, p. 1.)

26          72. Government Code section 6253, subdivision (c) is the section that requires an agency  
27 to determine whether it has responsive records, to notify the requestor of that determination, and to  
28 set a date for production of the records it identified. The College’s August 23, 2022 response

1 acknowledges it has identified records responsive to the August 11 Request but for some reason  
2 needs until November 18, 2022 to collect the documents for the City’s review. (Exh. L, p. 2.)

3 73. November 18 is 87 days from the date of the College’s Government Code section  
4 6253(c) determination. Taking nearly three months to produce records the College has already  
5 identified is not the “prompt” response the CPRA requires. (See *Filarsky, supra*, 28 Cal.4th at  
6 p. 423.) The records the City requested should be readily identifiable by the College. The City  
7 requested all communications between or among any of eight specifically identified presenters over  
8 four hours. The College must forward the City’s request to those presenters and produce any  
9 responsive, non-exempt records they possess. (*San Jose, supra*, 2 Cal.5th at pp. 627–628.) It should  
10 not require 87 days to perform that search.

11 74. The public comments the City requested should also be readily identifiable and  
12 available for production. For instance, there is no privilege, exemption, or exception remotely  
13 available to a speaker card submitted by a member of the public during that meeting. The College  
14 responded to some comments live during the August 4, 2022 virtual community forum. (See College  
15 of the Desert, *Virtual Community Forum – College of the Desert’s Palm Springs Development*  
16 *Project-Phase 1* (Aug. 4, 2022) at <<https://youtu.be/5awwAOSbveo>> (as of Aug. 29, 2022.) The  
17 City would simply like to see all of those comments, which as records submitted to the agency  
18 should have been retained, and if submitted electronically would have been retained. Either the  
19 College preserved the questions and comments it received during the forum, or it did not. It should  
20 not require 87 days to make that determination and produce the documents.

21 75. The City therefore petitions this Court for a writ of mandate or injunction ordering the  
22 College to produce the responsive records it has identified. The City also petitions for its costs and  
23 reasonable attorney fees to bring this action. (Gov. Code, § 6259, subd. (d).)

24 **FOURTH CAUSE OF ACTION**

25 **(CPRA Violation — Response to August 12 Request and August 15 Request)**

26 76. The City realleges and incorporates herein by reference each and every allegation  
27 contained in paragraphs 1 through 75, inclusive, as though set forth in full.  
28

1           77.     The City submitted the August 12 Request and the August 15 Request by emailing  
2 them to the College’s public information officer and to the attorney representing the College in its  
3 response to the City’s earlier public records requests. (Exhs. J, K.)

4           78.     The City’s August 12, 2022 request seeks records the College’s Interim Executive  
5 Vice President identified during the August 4, 2022 virtual community forum. (Exh. J.)

6           79.     The City’s August 15, 2022 request seeks all emails between the College and its  
7 architect for the Palm Springs Development Project, WRNS Studio. (Exh. K.)

8           80.     The College responded to both requests in a single letter dated August 22, 2022. As in  
9 its response to the August 11 Request, the College stated its letter serves as its determination under  
10 Government Code section 6253, subdivision (c). However, it also stated that the College is “in the  
11 process of reviewing its public records to identify documents responsive to the Requests” and would  
12 produce any responsive documents by November 18, 2022. (Exh. M.)

13           81.     Both of the City’s requests “reasonably describe[] an identifiable record or  
14 records ... .” (Gov. Code, § 6253.1, subd. (a).) There is no reason why the College cannot determine  
15 whether it possesses responsive records in the 10-day period provided by the CPRA. (Gov. Code, §  
16 6253, subd. (c).) The College failed to properly and timely respond to the request.

17           82.     The August 12 Request seeks records the College’s Interim Executive Vice President  
18 identified during the August 4, 2022 virtual community forum and should be readily available for  
19 production. There is no privilege, exemption, or exception remotely available to such record that this  
20 speaker identified. Either the documents that the Interim Executive Vice President referenced exist,  
21 or they do not. It should not require 88 days (August 22 to November 18) to determine whether such  
22 documents exist because the Interim Executive Vice President has already admitted they do.

23           83.     The documents requested in the August 15, 2022 request seeks records between two  
24 email domains: the College and its architect, WRNS Studio. A simple search of the email server  
25 would reveal that documents are available for production. As there is no privilege, exemption, or  
26 other exception identified in their notification of determination, College has waived that privilege.  
27 They have also failed to identify who is making the determination. There is plainly no statement  
28 justifying the College’s contention that 87 days are necessary to make such determination. Pursuant



1 to *Getz v. Superior Court* (2021) 72 Cal.App.5th 637, College must make all documents between  
2 these two domains available. Taking nearly three months to produce these records is not the  
3 “prompt” response the CPRA requires. (See *Filarsky, supra*, 28 Cal.4th at p. 423.) The records the  
4 City requested should be readily identifiable by the College.

5 84. The City therefore petitions this Court for a writ of mandate or injunction ordering the  
6 College to produce the responsive records it has already identified, as well as any other records in its  
7 possession responsive to the August 12 Request and the August 15 Request. The City also petitions  
8 for its costs and reasonable attorney fees to bring this action. (Gov. Code, § 6259, subd. (d).)

## 9 VI. PRAYER FOR RELIEF

10 WHEREFORE, the City prays for relief against Defendants, and each of them, as more fully  
11 set forth below:

12 1. For a judicial declaration that the College violated the California Public Records Act  
13 as to:

- 14 a. The December 2021 Request,
- 15 b. The June 21 Request
- 16 c. The August 11 Request,
- 17 d. The August 12 Request, and
- 18 e. The August 15 Request;

19 2. For a writ of mandate or mandatory injunction ordering the College to produce all  
20 records responsive to:

- 21 a. The December 2021 Request,
- 22 b. The June 21 Request
- 23 c. The August 11 Request,
- 24 d. The August 12 Request, and
- 25 e. The August 15 Request;

26 3. For the City’s costs and reasonable attorney fees to bring this action (Gov. Code, §  
27 6259, subd. (d)); and

28 4. For such other and further relief as the Court may deem just and proper.

1 DATED: September 12, 2022

**COLANTUONO, HIGHSMITH &  
WHATLEY, PC**



---

ANDREW L. JARED  
CONOR W. HARKINS  
Attorneys for Petitioner and Plaintiff  
CITY OF PALM SPRINGS

**Colantuono, Highsmith & Whatley, PC**  
790 E. COLORADO BOULEVARD, SUITE 850  
PASADENA, CALIFORNIA 91101-2109

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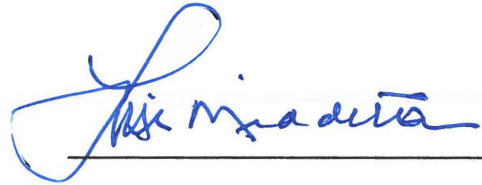
**VERIFICATION**

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I, Lisa Middleton, declare as follows:

I am the Mayor for Petitioner and Plaintiff City of Palm Springs (“City”), and am authorized to make this verification for and on the City’s behalf. I have read the City’s Petition for Writ of Mandate for Violation of the California Public Records Act, Government Code § 6250 et seq., and Complaint for Declaratory and Injunctive Relief (“Petition”), which will be filed on September 12, 2022 and know its contents. The matters stated in the Petition are true of my own knowledge, except as to those matters which I am informed and believe to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed on September \_\_, 2022 in Palm Springs, California.



Lisa Middleton  
Mayor of Palm Springs

Colantuono, Highsmith & Whatley, PC  
790 E. COLORADO BOULEVARD, SUITE 850  
PASADENA, CALIFORNIA 91101-2109

# **EXHIBIT A**

**COLANTUONO**  
**HIGHSMITH**  
**WHATLEY, PC**

ANDREW L. JARED | (213) 542-5739 | AJARED@CHWLAW.US

Our File No. 46023.0004

December 8, 2021

**VIA EMAIL AND U.S. MAIL**

Dr. Bonnie Stefan  
Clerk of the Board of Trustees  
Desert Community College District  
43-500 Monterey Avenue  
Palm Desert, CA 92260  
[bstefan@collegeofthedesert.edu](mailto:bstefan@collegeofthedesert.edu)

Julia Breyer  
Executive Assistant, Board of Trustees  
Desert Community College District  
43-500 Monterey Avenue  
Palm Desert, CA 92260  
[jbreyer@collegeofthedesert.edu](mailto:jbreyer@collegeofthedesert.edu)

**Re: Public Records Request Related to Development of District Campuses**

Dear Dr. Stefan and Ms. Breyer:

On behalf of the City of Palm Springs, we write pursuant to the Public Records Act, Government Code section 6250 et seq., to request all records held by the College of the Desert District ("District") as described below.

This request uses the following definitions:

- "Public record" as defined in Government Code section 6252, subdivision (d). "Public record" includes email correspondence and all writings.
- "Writing" as defined in Government Code section 6252, subdivision (g). This includes any electronic writings or electronic documents, including but not limited to emails, text messages, word-processing documents, pdfs, spreadsheets, audio recordings (including voice mails), video recordings (including recorded video

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790 E. COLORADO BOULEVARD, SUITE 850, PASADENA, CALIFORNIA 91101-2109 | (213) 542-5700

GRASS VALLEY | PASADENA | SACRAMENTO | SOLANA BEACH | SONOMA

## Re: Public Records Request Related to Development of District Campuses

December 8, 2021

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conference meetings), or presentations. This includes all documents stored in professional or personal accounts, whether on an individual device, in the cloud, on the College's intranet, shared drives, document management system, on portable electronic devices (such as a smartphone, iPad, or tablet), including personal devices used for work, or on external storage devices (such as CDs, DVDs, external hard drives, or flash drives). This also includes any documents stored in an employee's/official's "My Documents" folder, in shared folders, on network drives, on the home drive of District computers, servers, personal computers, or on personal or home computer or other personal devices used for work. This also includes notes from meetings, calendars, and phone logs, whether created by hand-written or electronic means, or photo-copied or electronically stored versions thereof.

- "Constructive possession" means any records under the College's control, even if the record is not within the College's actual possession.
- "All public records" means every public record and writings in the College's actual or constructive possession — whether an original or copy, draft or final version — known to the College and every such writing the College can locate or discover by reasonably diligent efforts.
- "Relating to" means directly or indirectly, in whole or in part, referring to, concerning, evidencing, connected with, commenting on, affecting, responding to, showing, describing, analyzing, reflecting or constituting.
- "Facility" means and real property, whether improved or not improved, and any buildings, structures, or other improvements of any kind on real property.
- "West Valley Campus" means the project that was the subject of the Property Transfer and Development Agreement for the West Valley Campus of College of the Desert Project, dated July 21, 2010.
- "Palm Springs Mall Campus" means the former site of the Palm Springs Mall at 2363 E. Tahquitz Canyon Way, Palm Springs, California, acquired by the District, or sometimes also referred to as the "Palm Springs Development Project (PSDP)".
- "Palm Springs, Temporary Campus" means the District facility at 1300 East Baristo Road, Palm Springs, California.

## Re: Public Records Request Related to Development of District Campuses

December 8, 2021

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- “Mecca/Thermal Campus” means the District facility at 61120 Buchanan Street, Mecca, California.
- “Desert Hot Springs Campus” means the District facility at 11625 West Drive, Desert Hot Springs, California.
- “Indio Campus” means the District facility at 45524 Oasis Street, Indio, California
- “Roadrunner Motors Campus” means all locations of campus sites planned by the District in Cathedral City, California for use in automotive education.
- “Other Campus Sites (City of Coachella)” means all sites considered by the District within the City of Coachella for possible locations for any District project, program, facility, or campus.

### **Records Requested**

The City requests all public records pertaining to the period of time from January 1, 2003 to present, relating to the following:

1. The District’s good-faith compliance with the terms of the “Property Transfer and Development Agreement for the West Valley Campus of College of the Desert Project”, dated July 21, 2010. (Palm Springs Muni. Code, § 94.08.00, subd. (A)(16); Gov. Code, § 65865.1)
2. Funds collected by the District to date pursuant to Measure B.
3. Funds collected by the District pursuant to Measure B relating to properties within the City of Palm Springs to date.
4. Funds collected by the District to date pursuant to Measure CC.
5. Funds collected by the District pursuant to Measure CC relating to properties within the City of Palm Springs to date.
6. Funds expended by the District to date which were collected pursuant to Measure B.
7. Funds collected by the District to date which were collected pursuant to Measure CC.

**Re: Public Records Request Related to Development of District Campuses**

December 8, 2021

Page 4

8. Funds expended by the District to date within the City of Palm Springs which were collected pursuant to Measure B.
9. Funds collected by the District to date within the City of Palm Springs which were collected pursuant to Measure CC.
10. Funds expended by the District to date within the City of Palm Springs on development of the West Valley Campus which were collected pursuant to Measure B and Measure CC.
11. Funds expended by the District to date within the City of Palm Springs on development of the West Valley Campus which were collected pursuant to Measure B and Measure CC.
12. Development of the West Valley Campus or any portion thereof.
13. Consideration by the District, its staff members, or officials regarding the use, current or future use of the West Valley Campus or any portion thereof.
14. Planning of the use of the West Valley Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.
15. Public meetings where the current or future use of the West Valley Campus or any portion thereof was considered by the District.
16. Decision by the District, its staff members, or officials regarding the current or future use of the West Valley Campus or any portion thereof was made by the District.
17. Offers to purchase the site of the West Valley Campus or any portion thereof from the District.
18. Offers to sell site of the West Valley Campus or any portion thereof by District.
19. Board Policy regarding the Desert Community College District locations.



**Re: Public Records Request Related to Development of District Campuses**

December 8, 2021

Page 5

20. Establishing the Board Policy regarding the Desert Community College District Locations.
21. Modifying, amending, or deleting the Board Policy regarding Desert Community College District Locations.
22. Development of the Palm Springs Mall Campus or any portion thereof.
23. Consideration by the District, its staff members, or officials regarding the current or future use of the Palm Springs Mall Campus or any portion thereof.
24. Planning of the use of the Palm Springs Mall Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.
25. Public meetings where the current or future use of the Palm Springs Mall Campus or any portion thereof was considered by the District.
26. Decision by the District, its staff members, or officials regarding the current or future use of the Palm Springs Mall Campus or any portion thereof was made by the District.
27. Development of the Roadrunner Motors Campus or any portion thereof.
28. Consideration by the District, its staff members, or officials regarding the current or future use of the Roadrunner Motors Campus or any portion thereof.
29. Planning of the use of the Roadrunner Motors Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.
30. Public meetings where the current or future use of the Roadrunner Motors Campus or any portion thereof was considered by the District.

**Re: Public Records Request Related to Development of District Campuses**

December 8, 2021

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31. Decision by the District, its staff members, or officials regarding the current or future use of the Roadrunner Motors Campus or any portion thereof was made by the District.
32. Development of the Indio Campus or any portion thereof.
33. Consideration by the District, its staff members, or officials regarding the current or future use of the Indio Campus or any portion thereof.
34. Planning of the use of the current or future use of the Indio Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.
35. Public meetings where the current or future use of the Indio Campus or any portion thereof was considered by the District.
36. Decision by the District, its staff members, or officials regarding the current or future use of the Indio Campus or any portion thereof was made by the District.
37. Development of the Desert Hot Springs Campus or any portion thereof.
38. Consideration by the District, its staff members, or officials regarding the current or future use of the Desert Hot Springs Campus or any portion thereof.
39. Planning of the use of the current or future use of the Desert Hot Springs Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.
40. Public meetings where the current or future use of the Desert Hot Springs Campus or any portion thereof was considered by the District.
41. Decision by the District, its staff members, or officials regarding the current or future use of the Desert Hot Springs Campus or any portion thereof was made by the District.

**Re: Public Records Request Related to Development of District Campuses**

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42. Development of the Mecca/Thermal Campus or any portion thereof.
43. Consideration by the District, its staff members, or officials regarding current or future use of the Mecca/Thermal Campus or any portion thereof.
44. Planning of the use of the current or future use of the Mecca/Thermal Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.
45. Public meetings where the current or future use of the Mecca/Thermal Campus or any portion thereof was considered by the District.
46. Decision by the District, its staff members, or officials regarding the current or future use of the Mecca/Thermal Campus or any portion thereof was made by the District.
47. Development of the Palm Springs, Temporary Campus or any portion thereof.
48. Consideration by the District, its staff members, or officials regarding the current or future use of the Palm Springs, Temporary Campus or any portion thereof.
49. Planning of the use of the current or future use of the Palm Springs, Temporary Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.
50. Public meetings where the current or future use of the Palm Springs, Temporary Campus or any portion thereof was considered by the District.
51. Decision by the District, its staff members, or officials regarding the current or future use of the Palm Springs, Temporary Campus or any portion thereof was made by the District.
52. Development of Other Campus Sites (City of Coachella).

**Re: Public Records Request Related to Development of District Campuses**

December 8, 2021

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53. Consideration by the District, its staff members, or officials regarding the current or future use of Other Campus Sites (City of Coachella) or any portion thereof.
54. Planning of the use of the of Other Campus Sites (City of Coachella) or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.
55. Public meetings where the current or future use of Other Campus Sites (City of Coachella) or any portion thereof was considered by the District.
56. Decision by the District, its staff members, or officials regarding the current or future use of Other Campus Sites (City of Coachella) or any portion thereof was made by the District.
57. Cost overruns for construction, development or planning of District facilities or proposed District facilities.
58. Facility planning process for District facilities, including but not limited to guidelines used by District to establish the number, size, and location of District facilities.
59. District action approving language of Measure B.
60. District action approving language of Measure CC.
61. Campaign literature regarding Measure B.
62. Campaign literature regarding Measure CC.
63. Statements by District concerning use of Measure B funds.
64. Statements by District concerning use of Measure CC funds.
65. The distinction by District between District facilities identified as a "center", a "campus", a "facility", and a "site". This request is looking for document to assist in understating how and why the District names its assets one of these terms

## Re: Public Records Request Related to Development of District Campuses

December 8, 2021

Page 9

versus another of these terms, and the process used by District to make such distinctions.

66. Requirements identified by the District to comply with state requirements regarding sites, centers, and campuses.

67. Bonds issued based on revenues from Measures B and CC.

### **Release of Records**

Within 10 days of receipt of this public records request, please notify us whether the College: (1) has records responsive to this request; (2) the page count and cost of copying the records and their availability in electronic format; and (3) the time required to provide the documents requested.

If public records responsive to this request are available in electronic format, please produce all responsive documents in electronic format even if the records are also available in paper format. If there are no records responsive to a particular category listed above, please confirm in writing that such records do not exist.

Please release responsive records in tranches, rather than release of all document responsive to all items in this request.

If you believe any responsive record is exempt from disclosure, please provide a detailed written explanation of the applicable exemption, including the name and title of the person who determined the record is responsive but exempt. If redaction or segregation of the exempt material is possible, you must produce the non-exempt portions of responsive public records with the exempt material redacted or omitted. Please note that article 1, section 3, subdivision (b)(2) of the California Constitution expressly requires you to broadly construe all provisions that further the public's right of access, and to apply any limitations on access as narrowly as possible.

### **Duty to Preserve Records**

As you know, the District must preserve certain records, including "records relating to land, buildings, and equipment." (Cal. Code Regs., tit. 5, §§ 59020 et seq; *id.*, § 59023.) The District has adopted Administrative Procedure 3310, which requires notice to and approval from the Board of Trustees before records are destroyed. These rules are

## Re: Public Records Request Related to Development of District Campuses

December 8, 2021

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in addition to any other law providing for the preservation of public records. (Cal. Code Regs., tit. 5, § 59021.)

Additionally, the California Public Records Act, Government Code section 6250 et seq., prohibits public agencies from obstructing or delaying the inspection or copying of public records. (Gov. Code, § 6253, subd. (d).) This prohibition extends to records in an agency's constructive possession, like data compiled by a consultant. (*Community Youth Athletic Center v. City of National City* (2013) 200 Cal.App.4th 1385, 1429 ["The city did not act reasonably in protecting its contractual rights to retain" consultant data identified in public records request].)

Underlying these laws is the policy "that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (Gov. Code, § 6250; see *Newby v. Times-Mirror Co.* (1916) 173 Cal. 387 [noting that "so great is the care of the state that the public records shall remain unchanged except when changed in an authorized manner, the statute [prohibiting alteration of public records] is so drawn as to make even such laudable defacement [to correct fraud] a felony"].)

The City expects the College will honor both the letter and the spirit of these laws and cooperate in preserving and producing all records of public interest related to the development of campuses throughout the District.

### **Conclusion**

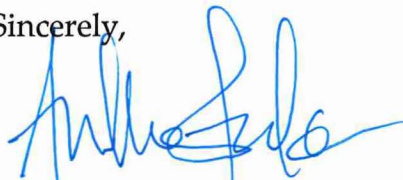
If I can provide any clarification that will help you to expedite this request, please do not hesitate to contact me at [ajared@chwlaw.us](mailto:ajared@chwlaw.us).

**Re: Public Records Request Related to Development of District Campuses**

December 8, 2021

Page 11

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew L. Jared". The signature is fluid and cursive, with a large initial "A" and "J".

Andrew L. Jared

Special Legal Counsel, City of Palm Springs

cc:

Palm Springs City Council

Justin Clifton

## **EXHIBIT B**



ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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SACRAMENTO  
(916) 923-1200

SAN DIEGO  
(858) 485-9526

OUR FILE NUMBER:

005794.00012  
35549966.1

December 20, 2021

***VIA FIRST CLASS AND ELECTRONIC MAIL***

Andrew L. Jared  
Special Legal Counsel, City of Palm Springs  
Colantuono, Highsmith, Whatley, PC  
90 E. Colorado Boulevard, Suite 850  
Pasadena, CA 91101

**Re: College of the Desert Response to Public Records Act Request  
for Documents Related to “Development of District Campuses”**

Dear Mr. Jared:

Our office represents the College of the Desert (“District”) in regards to the City of Palm Springs’ (“City”) Public Records Act request (the “Request”) dated December 9, 2021, generally seeking documents related to “the development of District campuses.” The District will address the Requests pursuant to the requirements of the Public Records Act (“PRA”) as set forth in California Government Code section 6250 et seq. This letter constitutes the District’s initial response to the PRA Request. Please forward all communication regarding this matter to my attention.

Upon receipt of a valid PRA request, the District must first determine if the documents requested are disclosable. (Government Code §6253(c).) This letter serves as the District’s notification of its determination pursuant to this Section. Please note that the PRA prohibits the District from releasing documents that are subject to various protections or when the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Government Code §6255.) Further, the PRA does not require the District to create a list or draft any document in response to a request. Instead, the District is only required to produce existing documents that are not protected or otherwise exempt from disclosure.

The City’s Request includes sixty-seven (67) separate categories of documents sought by the City. The District has conducted an initial review of these separate requests of its files and provides an initial response to each of these requests, provided below. As you will see, the District was able to provide documents responsive to several of these requests, indicated below, and included these documents with this initial response. However, many of Requests are vague or overly broad, suggesting that the District will have to review several sources of documents and review countless documents, which will overly burden the District’s limited personnel

Andrew L. Jared  
December 20, 2021  
Page 2

resources. Therefore, the District asks the City to revise or clarify these requests, as shown below. Otherwise, the District will need several months to provide a complete response, as explained below.

**City's Document Requests and District's Initial Responses**

**1. The District's good-faith compliance with the terms of the "Property Transfer and Development Agreement for the West Valley Campus of District of the Desert Project", dated July 21, 2010. (Palm Springs Muni. Code, § 94.08.00, subd. (A)(16); Gov. Code, § 65865.1)**

District Response: This Request does not identify specific documents. Further, the Request is vague and overly broad in that it appears to seek information regarding the District's "good-faith compliance" with the terms of the Agreement. If the City is seeking specific documents regarding the Agreement, please let us know. As written, the District cannot respond this Request because it does not seek specific documents and the information it described is vague and overly broad.

**2. Funds collected by the District to date pursuant to Measure B.**

District Response: The District is in the process of identifying documents that may have this information. As noted above, the PRA does not require the District to create documents responsive to PRA Requests or answer specific questions but instead provide any existing documents that include the information sought. Therefore, the District will review its files to determine if it has any documents that are not protected from production by the PRA that includes the information requested.

**3. Funds collected by the District pursuant to Measure B relating to properties within the City of Palm Springs to date.**

District Response: The District repeats the response to Request Number 2 above.

**4. Funds collected by the District to date pursuant to Measure CC.**

District Response: The District repeats the response to Request Number 2 above.

**5. Funds collected by the District pursuant to Measure CC relating to properties within the City of Palm Springs to date.**

District Response: The District repeats the response to Request Number 2 above.

**6. Funds expended by the District to date which were collected pursuant to Measure B.**

District Response: The District repeats the response to Request Number 2 above.

Andrew L. Jared  
December 20, 2021  
Page 3

**7. Funds collected by the District to date which were collected pursuant to Measure CC.**

District Response: The District repeats the response to Request Number 2 above.

**8. Funds expended by the District to date within the City of Palm Springs which were collected pursuant to Measure B.**

District Response: The District repeats the response to Request Number 2 above.

**9. Funds collected by the District to date within the City of Palm Springs which were collected pursuant to Measure CC.**

District Response: The District repeats the response to Request Number 2 above.

**10. Funds expended by the District to date within the City of Palm Springs on development of the West Valley Campus which were collected pursuant to Measure B and Measure CC.**

District Response: The District repeats the response to Request Number 2 above.

**11. Funds expended by the District to date within the City of Palm Springs on development of the West Valley Campus which were collected pursuant to Measure B and Measure CC.**

District Response: The District repeats the response to Request Number 2 above.

**12. Development of the West Valley Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague in that it does not identify the specific information sought and instead vaguely references “development of the West Valley Campus.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**13. Consideration by the District, its staff members, or officials regarding the use, current or future use of the West Valley Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague with respect to the term “consideration.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**14. Planning of the use of the West Valley Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs,**

Andrew L. Jared  
December 20, 2021  
Page 4

**bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District repeats the response to Request Number 2 above.

**15. Public meetings where the current or future use of the West Valley Campus or any portion thereof was considered by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “public meetings.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**16. Decision by the District, its staff members, or officials regarding the current or future use of the West Valley Campus or any portion thereof was made by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “decisions” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**17. Offers to purchase the site of the West Valley Campus or any portion thereof from the District.**

District Response: The District will review its files to find any written offers it received to purchase the Property.

**18. Offers to sell site of the West Valley Campus or any portion thereof by District.**

District Response: The District will review its files to find any documents demonstrating any offer by the District to sell the Property.

**19. Board Policy regarding the Desert Community College District locations.**

District Response: The District provided responsive documents to this Request with this letter, attached.

**20. Establishing the Board Policy regarding the Desert Community College District Locations.**

District Response: The District provided responsive documents to this Request with this letter, attached.

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**21. Modifying, amending, or deleting the Board Policy regarding Desert Community College District Locations.**

District Response: This Request does not identify specific documents and instead vaguely mentions “modifying, amending, or deleting the Board Policy.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**22. Development of the Palm Springs Mall Campus or any portion thereof.**

District Response: This Request does not identify specific documents and instead vaguely mentions the “development of the Palm Springs Mall Campus.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**23. Consideration by the District, its staff members, or officials regarding the current or future use of the Palm Springs Mall Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague with respect to the term “consideration” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**24. Planning of the use of the Palm Springs Mall Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District will review its files to find any written offers it received to purchase the Property.

**25. Public meetings where the current or future use of the Palm Springs Mall Campus or any portion thereof was considered by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “public meetings.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**26. Decision by the District, its staff members, or officials regarding the current or future use of the Palm Springs Mall Campus or any portion thereof was made by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “decisions” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

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December 20, 2021  
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**27. Development of the Roadrunner Motors Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague in that it does not identify the specific information sought and instead, vaguely references “development” of the “Roadrunner Motors Campus.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**28. Consideration by the District, its staff members, or officials regarding the current or future use of the Roadrunner Motors Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague with respect to the term “consideration” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**29. Planning of the use of the Roadrunner Motors Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District will review its files to find the documents referenced in this Request.

**30. Public meetings where the current or future use of the Roadrunner Motors Campus or any portion thereof was considered by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “public meetings.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**31. Decision by the District, its staff members, or officials regarding the current or future use of the Roadrunner Motors Campus or any portion thereof was made by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “decisions” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**32. Development of the Indio Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague in that it does not identify the specific information sought and instead, vaguely references “development” of

Andrew L. Jared  
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the Indio Campus. The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**33. Consideration by the District, its staff members, or officials regarding the current or future use of the Indio Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague with respect to the term “consideration” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**34. Planning of the use of the current or future use of the Indio Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District will review its files to find the documents referenced in this Request.

**35. Public meetings where the current or future use of the Indio Campus or any portion thereof was considered by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “public meetings.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**36. Decision by the District, its staff members, or officials regarding the current or future use of the Indio Campus or any portion thereof was made by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “decisions” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**37. Development of the Desert Hot Springs Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague in that it does not identify the specific information sought and instead, vaguely references “development” of the Desert Hot Springs Campus. The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**38. Consideration by the District, its staff members, or officials regarding the current or future use of the Desert Hot Springs Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague with respect

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to the term “consideration” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**39. Planning of the use of the current or future use of the Desert Hot Springs Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District will review its files to find the documents referenced in this Request.

**40. Public meetings where the current or future use of the Desert Hot Springs Campus or any portion thereof was considered by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “public meetings.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**41. Decision by the District, its staff members, or officials regarding the current or future use of the Desert Hot Springs Campus or any portion thereof was made by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “decisions” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**42. Development of the Mecca/Thermal Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague in that it does not identify the specific information sought and instead, vaguely references “development” of the Mecca/Thermal Campus. The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**43. Consideration by the District, its staff members, or officials regarding current or future use of the Mecca/Thermal Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague with respect to the term “consideration.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**44. Planning of the use of the current or future use of the Mecca/Thermal Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not**



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**limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District will review its files to find the documents referenced in this Request.

**45. Public meetings where the current or future use of the Mecca/Thermal Campus or any portion thereof was considered by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “public meetings.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**46. Decision by the District, its staff members, or officials regarding the current or future use of the Mecca/Thermal Campus or any portion thereof was made by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “decisions” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**47. Development of the Palm Springs, Temporary Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague in that it does not identify the specific information sought and instead, vaguely references “development.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**48. Consideration by the District, its staff members, or officials regarding the current or future use of the Palm Springs, Temporary Campus or any portion thereof.**

District Response: This Request does not identify specific documents and is vague with respect to the term “consideration” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**49. Planning of the use of the current or future use of the Palm Springs, Temporary Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District will review its files to find the documents referenced in this Request.

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**50. Public meetings where the current or future use of the Palm Springs, Temporary Campus or any portion thereof was considered by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “public meetings.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**51. Decision by the District, its staff members, or officials regarding the current or future use of the Palm Springs, Temporary Campus or any portion thereof was made by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “decisions” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**52. Development of Other Campus Sites (City of Coachella).**

District Response: This Request does not identify specific documents and is vague in that it does not identify the specific information sought and instead, vaguely references “development” and “other campus sites.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**53. Consideration by the District, its staff members, or officials regarding the current or future use of Other Campus Sites (City of Coachella) or any portion thereof.**

District Response: This Request does not identify specific documents and is vague with respect to the term “consideration” by the District, its staff, or “officials.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**54. Planning of the use of Other Campus Sites (City of Coachella) or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District will review its files to find the documents referenced in this Request.

**55. Public meetings where the current or future use of Other Campus Sites (City of Coachella) or any portion thereof was considered by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “public meetings.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

Andrew L. Jared  
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**56. Decision by the District, its staff members, or officials regarding the current or future use of Other Campus Sites (City of Coachella) or any portion thereof was made by the District.**

District Response: This Request does not identify specific documents and instead vaguely mentions “decisions” by the District, its staff, or “officials” and is overbroad in that it seeks information regarding “Other Campus Sites.” The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**57. Cost overruns for construction, development or planning of District facilities or proposed District facilities.**

District Response: The District will review its files to find the documents referenced in this Request.

**58. Facility planning process for District facilities, including but not limited to guidelines used by District to establish the number, size, and location of District facilities.**

District Response: The District provided responsive documents to this Request with this letter, attached. You can also find the District’s planning documents at

<https://www.collegeofthedesert.edu/faculty-staff/institutional-effectiveness-and-planning/college-plans.php>

**59. District action approving language of Measure B.**

District Response: The District will review its files to find the documents referenced in this Request.

**60. District action approving language of Measure CC.**

District Response: The District provided responsive documents to this Request with this letter, attached.

**61. Campaign literature regarding Measure B.**

District Response: The District will review its files to find the documents referenced in this Request.

**62. Campaign literature regarding Measure CC.**

District Response: The District provided responsive documents to this Request with this letter, attached.

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**63. Statements by District concerning use of Measure B funds.**

District Response: This Request does not identify specific documents and instead vaguely mentions "statements by District." The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**64. Statements by District concerning use of Measure CC funds.**

District Response: This Request does not identify specific documents and instead vaguely mentions "statements by District." The District requests the City provide further clarification regarding the specific documents it seeks with this Request.

**65. The distinction by District between District facilities identified as a "center", a "campus", a "facility", and a "site". This request is looking for document to assist in understating how and why the District names its assets one of these terms versus another of these terms, and the process used by District to make such distinctions.**

District Response: As noted above, the PRA does not require the District to provide responses to direct questions, but instead provide preexisting documents in its possession. This Request does not request specific documents and therefore, is not a proper PRA request. If the City is seeking specific documents, please indicate the documents sought.

**66. Requirements identified by the District to comply with state requirements regarding sites, centers, and campuses.**

District Response: As noted above, the PRA does not require the District to provide responses to direct questions but instead provide preexisting documents in its possession. This Request does not request specific documents and therefore, is not a proper PRA. If the City is seeking specific documents, please indicate the documents sought.

**67. Bonds issued based on revenues from Measures B and CC.**

District Response: The District will review its files to find the documents referenced in this Request.

**Summary Response**

As indicated above, the District needs further information to respond to several of the individual categories in the City's Request. With respect to the specific categories in which the District indicates it will review its records to identify responsive documents, the District estimates it will take four (4) months from the date of this letter to review its files, identify potential responsive documents, and prepare the documents for production. Therefore, the District asks the City to provide further clarification, and perhaps limit the scope of the categories as discussed above.

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

Andrew L. Jared  
December 20, 2021  
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Once the City provides a response, the District will commence its search and provide a summary of the number of responsive documents and the process for production. Pursuant to Government Code Section 6253(b), the District is entitled to payment for the costs of copying the documents requested before they are released. Therefore, the District will provide a summary with the associated cost before providing the documents.

If you have any questions, or would like to discuss in further detail, please feel free to contact me.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A handwritten signature in black ink, appearing to read "Stephen M. McLoughlin". The signature is written in a cursive style with a large initial "S" and "M".

Stephen M. McLoughlin

Enclosures

cc: John Ramont, Vice President of Administrative Services, College of the Desert (COD)  
John White, Executive Director Bond Program & Facilities Planning, COD  
Martha Garcia Ed.D., Superintendent/President, COD  
Jessica Enders, Ed.D., Interim Executive Director of Institutional Advancement, COD

# **EXHIBIT C**

**COLANTUONO**  
**HIGSMITH**  
**WHATLEY, PC**

ANDREW L. JARED | (213) 542-5739 | AJARED@CHWLAW.US

Our File No. 46023.0004

February 4, 2022

**VIA EMAIL**

Stephen M. McLoughlin  
Atkinson, Andelson, Loya, Ruud, & Romo  
12800 Center Court Drive South, Suite 300  
Cerritos, California 90703-9364  
SMcLoughlin@aalrr.com

Re: Palm Springs Public Records Request

Dear Mr. McLoughlin:

Thank you for your first production of records in response to the City of Palm Spring's ("City") December 8, 2021 public records request for records related the College of the Desert's ("District") campus development plans. I understand from your letter that the search for records responsive to requests 2 – 11, 14, 17, 18, 24, 29, 34, 39, 44, 49, 54, 57, 59, 61, and 67 is ongoing. I look forward to reviewing the results of that search. I write to address your objections to certain requests and the sufficiency of your December 20, 2021 response.

This request arises from the District's stated intention to "pause" the Palm Springs Development. Since 2010, the District has planned to build a campus in Palm Springs. Relying on the District's plans, the City purchased property within its limits at Tramview Road and Indian Canyon Drive and transferred it to the District for use as a campus. Later, the District used taxpayer funds, some of which were collected from Palm Springs residents, to purchase property in the City at East Tahquitz Canyon Way for use as a campus. The planning documents available on the District's website, including the 2017 Educational Master Plan, 2019 Facilities Master Plan, January 21, 2022 Bond Report, and

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790 E. COLORADO BOULEVARD, SUITE 850, PASADENA, CALIFORNIA 91101-2109 | (213) 542-5700

GRASS VALLEY | PASADENA | SACRAMENTO | SOLANA BEACH | SONOMA

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2023-2027 Five-Year Capital Outlay Plan all refer to a “Palm Springs Development” or the “West Valley Campus.”

Palm Springs seeks to clarify the District’s current campus development plans. To that end, the City requests all public records related to the Palm Springs Development, as well as all public records related to other proposed campus projects, including:

- The West Valley Campus, located at Tramview Road and Indian Canyon Drive, Palm Springs, California;
- The Palm Springs Mall Campus, located at 2363 E. Tahquitz Canyon Way, Palm Springs, California;
- The Palm Springs Temporary Campus, located at 1300 East Baristo Road, Palm Springs, California;
- The Mecca/Thermal Campus, located at 61120 Buchanan Street, Mecca, California;
- The Desert Hot Springs Campus, located at 11625 West Valley Drive, Desert Hot Springs, California;
- The Indio Campus, located at 45524 Oasis Street, Indio, California;
- The Roadrunner Motors Campus, located at 67893 East Palm Canyon Drive, Cathedral City, California; and
- Any campus proposed for the City of Coachella.

The District’s objection that this request is “overly broad, suggesting that the District will have to review several sources of documents and review countless documents, which will overly burden the District’s limited personnel resources” is not a valid objection to a public records request. “California has declared, in terms as clear as the English language permits, that government business is the people’s business whether conducted in proceedings by deliberative bodies ... or discussed in records of any form, and must be accessible to the public ... .” (*Getz v. Superior Court of El Dorado County* (2021) 72 Cal.App.5th 637, 731.) However, the City appreciates the burden public records requests place on public agencies. Therefore, the City clarifies its request in response to your specific objections as follows.



1. The District's good-faith compliance with the terms of the "Property Transfer and Development Agreement for West Valley Campus of College of the Desert Project."

To the extent the District finds the phrase "good-faith compliance" vague, the City requests any documents demonstrating the District's compliance with the terms in article VII of the Property Transfer and Development Agreement for West Valley Campus of College of the Desert Project (the "West Valley Campus Agreement"). For example, paragraph 7.2 of the West Valley Campus Agreement requires the District to develop and refine academic and facilities master plans for the proposed campus in consultation with the City. The West Valley Campus Agreement is enclosed with this letter for your reference.

**12, 22, 27, 32, 37, 42, 47, 52.** "Development" of West Valley, Palm Springs Mall, roadrunner Motors, Indio, Desert Hot Springs, Mecca/Thermal, Palm Springs Temporary, and City of Coachella campuses, respectively.

The City disagrees the term "development" is vague. However, for purposes of these public records requests, "development" has the same meaning as it does in section 70902, subdivision (b)(1) of the Education Code: Every board of trustees of a community college district must "[e]stablish policies for, and approve, current and long-range academic and facilities plans and programs and promote orderly growth and **development** of the community colleges within the district" (emphasis added.) Please produce any documents related to the development of the campuses referred to in request numbers 12, 22, 27, 32, 37, 42, 47, and 52, as the word "development" is used in Education Code section 70902, subdivision (b)(1).

**13, 23, 28, 33, 38, 43, 48, 53.** "Consideration regarding the use" of the West Valley, Palm Springs Mall, roadrunner Motors, Indio, Desert Hot Springs, Mecca/Thermal, Palm Springs Temporary, and City of Coachella campuses, respectively.

The City disagrees the term "consideration" is vague. The City asks the District to apply the dictionary definition: "to think carefully about, esp. in order to make a decision; contemplate; reflect on." Alternatively, the District may analogize to the record of proceedings in a CEQA matter. (*Golden Door Properties, LLC v. Superior Court of San Diego County* (2020) 53 Cal.App.5th 733, 762 [Pub. Resources Code, § 21167.6 encompasses

“pretty much everything that ever came near a proposed development or to the agency’s compliance with CEQA in responding to that development”).) Please produce any records that “ever came near a proposed development” on the sites referred to in request numbers 13, 23, 28, 33, 38, 43, 48, and 53.

**15, 25, 30, 35, 40, 45, 50, 55.** Public records “relating to” “[p]ublic meetings where the current or future use of” the West Valley, Palm Springs Mall, roadrunner Motors, Indio, Desert Hot Springs, Mecca/Thermal, Palm Springs Temporary, and City of Coachella campuses, respectively, “was considered by the district.”

The City disagrees the reference to “public meetings” in requests 15, 25, 30, 35, 40, 45, 50, 55 renders those requests vague. The District must read the requests in conjunction with the unnumbered paragraph that introduces the numbered public records requests. The introductory paragraph states, “The City requests all public records pertaining to the period of time from January 1, 2003 to present, relating to the following:” With this preface, the request for “Public meetings where the current or future use of the” campuses was considered clearly refers public records relating to public meetings where the current or future use of the specified campuses was considered. If the District still finds this phrasing vague, please instead produce all records of public meetings, including agendas, minutes, staff reports, exhibits, and public comments, where the West Valley, Palm Springs Mall, roadrunner Motors, Indio, Desert Hot Springs, Mecca/Thermal, Palm Springs Temporary, and City of Coachella were considered.

**16, 26, 31, 36, 41, 46, 51, 56.** Public records “relating to” “[d]ecision by the District, is staff members, or officials regarding the current or future use of” the West Valley, Palm Springs Mall, roadrunner Motors, Indio, Desert Hot Springs, Mecca/Thermal, Palm Springs Temporary, and City of Coachella campuses, respectively.

As above, the City disagrees its request for “decisions” by “officials” renders requests 16, 26, 31, 36, 41, 46, 51, 56 vague. If the District reads those requests in conjunction with the introductory paragraph, it will see that the City requests public records relating to decisions by the District, its staff members, or officials regarding the current or future use of the West Valley, Palm Springs Mall, roadrunner Motors, Indio, Desert Hot Springs, Mecca/Thermal, Palm Springs Temporary, and City of Coachella campuses. To the extent the District finds the word “decisions” vague, the City refers to actions taken by officials or employees in their capacity as agents of the District regarding

current or future use of the specified campuses. To the extent the District finds the word “officials” vague, the City refers to elected or appointed officials, including people appointed to District committees, as distinct from employees of the district.

**21.** “Modifying, amending, or deleting the Board Policy” regarding Desert Community College District Locations.

As above, the City disagrees this request is vague. The District must read request 21 in conjunction with the introductory paragraph. The District requests all public records modifying, amending, or deleting the Board Policy regarding Desert Community College District locations. This request includes but is not limited to agendas, staff reports, resolutions, and minutes documenting the District’s modification, amendment, or deletion of any policy related to District locations.

**63, 64.** “Statements by District” concerning use of Measure B and Measure CC funds.

The City disagrees that the phrase “statements by the District” in requests 63 and 64 is vague. “To state” means “to declare definitely or specifically; to set forth formally in speech or writing.” A “statement” is a communication or declaration in speech or writing, setting forth facts, particulars, etc.” The City requests records of any statements by the legal entity that is the District, acting through its officers, employees, or other agents, regarding proposed, past, current, or future uses of Measure B or Measure CC funds.

**65.** Distinction between “center,” “campus,” “facility,” and “site.”

Request 65 does not ask the District to create records. Request 65 specifically states that the City requests “document[s] to assist in understanding how and why the District names its assets.” The City requests any existing records that define the terms “center,” “campus,” “facility,” or “site” as those terms are used in reference to the District’s real property assets, or that provide context the City can use to understand the District’s internal use of such terms. For example, the District’s Facilities Master Plan refers to the Palm Desert **Campus**, the Indio **Center**, the Palm Springs – Temporary **Site**. It defines “facilities” as all “capital assets of the college,” which “may be divided into their physical components: Site, Buildings, Equipment, and Systems,” and “campus” as “an institution that is like a college in most respects but may not offer a full complement of programs or services.” The City requests other, similar glossaries of terms or District nomenclature.

66. Public records documenting “[r]equirements identified by the District to comply with state requirements regarding sites, centers, and campuses.”

Request 66 does not ask the District to create records. The City requests any existing records documenting the requirements, specifications, or characteristics the District has determined state law requires for a site, center, or campus. For example, Education Code section 81033, subdivision (a), requires the District Board to have potential sites for a school building “investigated by competent personnel to ensure that the final site selection is determined by an evaluation of **all factors affecting the public interest** and is not limited to selection on the basis of raw land cost only” (emphasis added.) The City’s request includes any public records documenting the development of such factors and the District’s evaluation of potential campuses against those factors.

#### DECEMBER 20, 2021 RESPONSES

Thank you for your response to requests 19, 20, 58, 60, and 62. The City requests the District perform an additional search to confirm the District does not possess or control records responsive to the following requests:

58. Records relating to the facility planning process for District facilities, including but not limited to guidelines used by the District to establish the number, size, and location of District facilities.

In response to request 58, the District produced its current 2019 Facilities Master Plan, Enrollment Master Plan, and Educational Master Plan, and directed the City to other planning documents on the District’s website. This request encompasses more than just the current versions of finalized planning documents. The City requests all records related to facility planning since 2003, including outdated or superseded plans, reference documents, and staff communications regarding the planning process. The City asks the District to revisit this request and confirm it does not possess or control any other responsive records.

62. Campaign literature regarding Measure CC.

In response to request 62, the District produced the voter information guide for the November 8, 2016 election. The City’s request encompasses not just the voter information guide, but also any mailers regarding Measure CC; any records of public meetings or town halls where the District discussed Measure CC; any responses to public

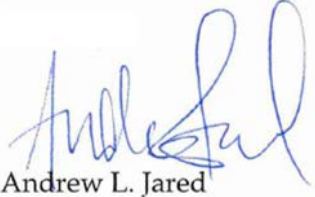
February 4, 2022

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questions or comments about Measure CC, including responses in the official and personal email accounts of District officials and employees; and any bulletins, FAQs, or guides about Measure CC posted to the District's website. The City asks the District to revisit this request and confirm it does not possess or control any other responsive records.

I appreciate your attention to these issues and I look forward to your response to these requests.

Sincerely,



Andrew L. Jared

cc: Conor Harkins

Enclosure: Property Transfer and Development Agreement for West Valley Campus of College of the Desert Project

# **EXHIBIT D**

## Conor W. Harkins

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**From:** Conor W. Harkins  
**Sent:** Thursday, March 3, 2022 10:12 AM  
**To:** Stephen M. McLoughlin  
**Cc:** Andrew L. Jared; McCall L. Williams  
**Subject:** RE: [EXTERNAL] Palm Springs Public Records Request [AALRR-Cerritos.000302.87630]

Thank you, Stephen. Please focus on documents related to campus development in Palm Springs and produce the newest documents first.

Best,

### Conor Harkins

*Associate*

#### Colantuono, Highsmith & Whatley, PC

420 Sierra College Drive, Suite 140 | Grass Valley, CA 95945

**Direct** 530-798-2416 | **Main** 530-432-7357 | **Fax** 530-432-7356

[charkins@chwlaw.us](mailto:charkins@chwlaw.us) | [www.chwlaw.us](http://www.chwlaw.us) | Blog: [www.californiapubliclawreport.com](http://www.californiapubliclawreport.com)

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---

**From:** Stephen M. McLoughlin <SMcLoughlin@aalrr.com>  
**Sent:** Thursday, March 3, 2022 12:43 AM  
**To:** Conor W. Harkins <charkins@chwlaw.us>  
**Cc:** Andrew L. Jared <ajared@chwlaw.us>; McCall L. Williams <mwilliams@chwlaw.us>  
**Subject:** RE: [EXTERNAL] Palm Springs Public Records Request [AALRR-Cerritos.000302.87630]

Hi Conor:

Our plan is to produce documents as they come on a rolling basis but I will try to provide you with estimated time by which all documents will be produced. If there are any requests that you want us to focus on, please let me know. As mentioned in our prior email, the College staff is working as fast as it can but the scope is so large it is a bit overwhelming. We can focus on specific documents to start with if you have anything in mind. Thanks

**Stephen M. McLoughlin** | Partner  
Atkinson, Andelson, Loya, Ruud & Romo  
12800 Center Court Drive, Suite 300, Cerritos, California 90703  
Main (562) 653-3200 • Fax (562) 653-3333  
[smcloughlin@aalrr.com](mailto:smcloughlin@aalrr.com) | [vcard](#) | [bio](#) | [website](#) | [subscribe](#)

---

**From:** Conor W. Harkins [<mailto:charkins@chwlaw.us>]  
**Sent:** Wednesday, March 2, 2022 8:38 AM  
**To:** Stephen M. McLoughlin  
**Cc:** Andrew L. Jared; McCall L. Williams  
**Subject:** RE: [EXTERNAL] Palm Springs Public Records Request [AALRR-Cerritos.000302.87630]

**[EXTERNAL MESSAGE]**

---

Thank you, Stephen. Do you have an estimated date when the rest of the records will be available?

## Conor Harkins

Associate

### Colantuono, Highsmith & Whatley, PC

420 Sierra College Drive, Suite 140 | Grass Valley, CA 95945

**Direct** 530-798-2416 | **Main** 530-432-7357 | **Fax** 530-432-7356

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**From:** Stephen M. McLoughlin <[SMcLoughlin@aalrr.com](mailto:SMcLoughlin@aalrr.com)>

**Sent:** Wednesday, March 2, 2022 3:21 AM

**To:** Conor W. Harkins <[charkins@chwlaw.us](mailto:charkins@chwlaw.us)>

**Cc:** Andrew L. Jared <[ajared@chwlaw.us](mailto:ajared@chwlaw.us)>; McCall L. Williams <[mwilliams@chwlaw.us](mailto:mwilliams@chwlaw.us)>

**Subject:** RE: [EXTERNAL] Palm Springs Public Records Request [AALRR-Cerritos.000302.87630]

Hello Conor:

The District will continue to gather and produce documents. I think we get provide everything electronically and therefore, will not have to charge for copying but if we run across anything that is not scan-able, I will let you know and we can discuss. Attached are more documents, these are specifically responsive to Requests 59-61. I will continue to email you the documents as they are come.

**Stephen M. McLoughlin** | Partner

Atkinson, Andelson, Loya, Ruud & Romo

12800 Center Court Drive, Suite 300, Cerritos, California 90703

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[smcloughlin@aalrr.com](mailto:smcloughlin@aalrr.com) | [vcard](#) | [bio](#) | [website](#) | [subscribe](#)

---

**From:** Conor W. Harkins [<mailto:charkins@chwlaw.us>]

**Sent:** Tuesday, March 1, 2022 2:20 PM

**To:** Stephen M. McLoughlin

**Cc:** Andrew L. Jared; McCall L. Williams

**Subject:** RE: [EXTERNAL] RE: Palm Springs Public Records Request [AALRR-Cerritos.000302.87630]

**[EXTERNAL MESSAGE]**

---

Thank you.

## Conor Harkins

Associate

### Colantuono, Highsmith & Whatley, PC

420 Sierra College Drive, Suite 140 | Grass Valley, CA 95945

**Direct** 530-798-2416 | **Main** 530-432-7357 | **Fax** 530-432-7356

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---

**From:** Stephen M. McLoughlin <[SMcLoughlin@aalrr.com](mailto:SMcLoughlin@aalrr.com)>

**Sent:** Tuesday, March 1, 2022 2:02 PM

**To:** Conor W. Harkins <[charkins@chwlaw.us](mailto:charkins@chwlaw.us)>



**Cc:** Andrew L. Jared <[ajared@chwlaw.us](mailto:ajared@chwlaw.us)>; McCall L. Williams <[mwilliams@chwlaw.us](mailto:mwilliams@chwlaw.us)>  
**Subject:** Re: [EXTERNAL] RE: Palm Springs Public Records Request [AALRR-Cerritos.000302.87630]

Sorry for the delay Conor. I will send you the update today. Thanks

Sent from my iPhone

On Mar 1, 2022, at 8:46 AM, Conor W. Harkins <[charkins@chwlaw.us](mailto:charkins@chwlaw.us)> wrote:

**[EXTERNAL MESSAGE]**

---

Hello Stephen:

I am writing to check the status of the College of the Desert's response to Palm Spring's public records request. I did not see anything from you or the College yesterday, Monday, February 28, 2022. Does the College still intend to respond to Palm Spring's request?

Best,

**Conor Harkins**

*Associate*

**Colantuono, Highsmith & Whatley, PC**

420 Sierra College Drive, Suite 140 | Grass Valley, CA 95945

**Direct** 530-798-2416 | **Main** 530-432-7357 | **Fax** 530-432-7356

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---

**From:** Stephen M. McLoughlin <[SMcLoughlin@aalrr.com](mailto:SMcLoughlin@aalrr.com)>

**Sent:** Monday, February 28, 2022 1:28 AM

**To:** Conor W. Harkins <[charkins@chwlaw.us](mailto:charkins@chwlaw.us)>

**Cc:** Andrew L. Jared <[ajared@chwlaw.us](mailto:ajared@chwlaw.us)>; McCall L. Williams <[mwilliams@chwlaw.us](mailto:mwilliams@chwlaw.us)>

**Subject:** RE: Palm Springs Public Records Request [AALRR-Cerritos.000302.87630]

Hi Conor:

We are finalizing the response and will send it out tomorrow (Monday). Thanks

**Stephen M. McLoughlin** | Partner  
Atkinson, Andelson, Loya, Ruud & Romo  
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---

**From:** Conor W. Harkins [<mailto:charkins@chwlaw.us>]

**Sent:** Wednesday, February 23, 2022 9:45 AM

**To:** Stephen M. McLoughlin

**Cc:** Andrew L. Jared; McCall L. Williams

**Subject:** [EXTERNAL] RE: Palm Springs Public Records Request [AALRR-Cerritos.000302.87630]

**[EXTERNAL MESSAGE]**

---

Thank you.

## Conor Harkins

Associate

### Colantuono, Highsmith & Whatley, PC

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---

**From:** Stephen M. McLoughlin <[SMcLoughlin@aalrr.com](mailto:SMcLoughlin@aalrr.com)>

**Sent:** Tuesday, February 22, 2022 9:27 PM

**To:** Conor W. Harkins <[charkins@chwlaw.us](mailto:charkins@chwlaw.us)>

**Cc:** Andrew L. Jared <[ajared@chwlaw.us](mailto:ajared@chwlaw.us)>; McCall L. Williams <[mwilliams@chwlaw.us](mailto:mwilliams@chwlaw.us)>

**Subject:** RE: Palm Springs Public Records Request [AALRR-Cerritos.000302.87630]

Hello Conor:

I will have an updated response to you by the end of the week. Thanks

**Stephen M. McLoughlin** | Partner  
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---

**From:** Conor W. Harkins [<mailto:charkins@chwlaw.us>]

**Sent:** Friday, February 18, 2022 2:00 PM

**To:** Stephen M. McLoughlin

**Cc:** Andrew L. Jared; McCall L. Williams

**Subject:** [EXTERNAL] RE: Palm Springs Public Records Request

**[EXTERNAL MESSAGE]**

---

Dear Mr. McLoughlin:

I am writing to request an update on the College of the Desert's response to Palm Springs' December 8, 2021 request for records related to campus development. As you know, the California Public Records Act requires public agencies to "promptly" produce records responsive to a public records request. (Gov. Code, § 6253, subd. (b).) If the agency determines it has responsive records, it "shall state the estimated date and time when the records will be available." (*Id.*, subd. (c).) The College's December 20 2021 response indicated it is searching for records responsive to the request, yet we have only received the one small set of documents the College produced with that letter. Our letter of February 4, 2022 clarified the scope of the requests the College found overbroad or ambiguous. Please provide us with an estimated date and time when the records Palm Springs requested from the College will be available.

Respectfully,

**Conor Harkins**

Associate

## Colantuono, Highsmith & Whatley, PC

420 Sierra College Drive, Suite 140 | Grass Valley, CA 95945

**Direct** 530-798-2416 | **Main** 530-432-7357 | **Fax** 530-432-7356

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---

**From:** McCall L. Williams <[mwilliams@chwlaw.us](mailto:mwilliams@chwlaw.us)>

**Sent:** Friday, February 4, 2022 1:36 PM

**To:** [SMcLoughlin@aalrr.com](mailto:SMcLoughlin@aalrr.com)

**Cc:** Andrew L. Jared <[ajared@chwlaw.us](mailto:ajared@chwlaw.us)>; Conor W. Harkins <[charkins@chwlaw.us](mailto:charkins@chwlaw.us)>

**Subject:** Palm Springs Public Records Request

Mr. McLoughlin,

Attached is a letter from today's date to you from Andrew L. Jared regarding the Palm Springs Public Records Request as well as the enclosure to this letter.

Best,

### McCall L. Williams

*Legal Assistant*

## Colantuono, Highsmith & Whatley, PC

790 E. Colorado Blvd., Ste. 850 | Pasadena, CA 91101

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# **EXHIBIT E**

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL LAW CORPORATION

ATTORNEYS AT LAW

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SACRAMENTO  
(916) 923-1200

SAN DIEGO  
(858) 485-9526

OUR FILE NUMBER:  
005794.00012  
36947085.1

May 2, 2022

**VIA EMAIL AND FIRST CLASS MAIL**

Andrew L. Jared  
Special Legal Counsel, City of Palm Springs  
Colantuono, Highsmith, Whatley, PC  
90 E. Colorado Boulevard, Suite 850  
Pasadena, CA 91101

Dear Mr. Jared:

This letter serves as the College of the Desert's ("District") follow up response to the City of Palm Springs' ("City") letter dated December 9, 2021, requesting documents pursuant to the California Public Records Act ("PRA") (Cal. Gov. Code section 6250 et. seq.). On December 20, 2021, our office provided the District's initial response to the City's request (the "District's Initial Response") which provided responsive documents and indicated the District would continue to review its files to locate further responsive documents. As noted in the District's Initial Response, the City's request includes sixty seven (67) board requests and therefore, will take time for the District to identify, prepare, and provide all responsive documents. As a follow up to the District's Initial Response, District offers the following updated response and associated documents. As indicated below, the District has set up a new Dropbox with documents and files responsive to specific requests. This Dropbox will be active for three months from the date of this letter.

**District's Responses update from December 9, 2021 letter:**

- 1. The District's good-faith compliance with the terms of the "Property Transfer and Development Agreement for the West Valley Campus of District of the Desert Project", dated July 21, 2010. (Palm Springs Muni. Code, § 94.08.00, subd. (A)(16); Gov. Code, § 65865.1)**

District Response: As explained in the District's Initial Response and the District's follow up email dated April 19, 2022 to City Manager Justin Clifton (the "April Email"), this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the

Andrew L. Jared

May 2, 2022

Page 2

District compiled responsive documents which are in the “West Valley Campus Documents” folder in the Dropbox link provided below.

**2. Funds collected by the District to date pursuant to Measure B.**

District Response: As noted above, the PRA does not require the District to create documents responsive to PRA Request or answer specific questions, but instead provide any existing documents. Therefore, the District is providing financial reports which contain information related to general obligation bonds in the “*Bond Documents*” folder in the Dropbox link provided below.

**3. Funds collected by the District pursuant to Measure B relating to properties within the City of Palm Springs to date.**

District Response: As noted above, the PRA does not require the District to create documents responsive to PRA Request or answer specific questions, but instead provide any existing documents. Therefore, the District is providing financial reports which contain information related to general obligation bonds in the “*Bond Documents*” folder in the Dropbox link provided below.

**4. Funds collected by the District to date pursuant to Measure CC.**

District Response: As noted above, the PRA does not require the District to create documents responsive to PRA Request or answer specific questions, but instead provide any existing documents. Therefore, the District is providing financial reports which contain information related to general obligation bonds in the “*Bond Documents*” folder in the Dropbox link provided below.

**5. Funds collected by the District pursuant to Measure CC relating to properties within the City of Palm Springs to date.**

District Response: As noted above, the PRA does not require the District to create documents responsive to PRA Request or answer specific questions, but instead provide any existing documents. Therefore, the District is providing financial reports which contain information related to general obligation bonds in the “*Bond Documents*” folder in the Dropbox link provided below.

**6. Funds expended by the District to date which were collected pursuant to Measure B.**

District Response: As noted above, the PRA does not require the District to create documents responsive to PRA Request or answer specific questions, but instead provide any existing documents. Therefore, the District is providing financial reports which contain information

Andrew L. Jared

May 2, 2022

Page 3

related to general obligation bonds in the “*Bond Documents*” folder in the Dropbox link provided below.

**7. Funds collected by the District to date which were collected pursuant to Measure CC.**

District Response: As noted above, the PRA does not require the District to create documents responsive to PRA Request or answer specific questions, but instead provide any existing documents. Therefore, the District is providing financial reports which contain information related to general obligation bonds in the “*Bond Documents*” folder in the Dropbox link provided below.

**8. Funds expended by the District to date within the City of Palm Springs which were collected pursuant to Measure B.**

District Response: As noted above, the PRA does not require the District to create documents responsive to PRA Request or answer specific questions, but instead provide any existing documents. Therefore, the District is providing financial reports which contain information related to general obligation bonds in the “*Bond Documents*” folder in the Dropbox link provided below.

**9. Funds collected by the District to date within the City of Palm Springs which were collected pursuant to Measure CC.**

District Response: As noted above, the PRA does not require the District to create documents responsive to PRA Request or answer specific questions, but instead provide any existing documents. Therefore, the District is providing financial reports which contain information related to general obligation bonds in the “*Bond Documents*” folder in the Dropbox link provided below.

**10. Funds expended by the District to date within the City of Palm Springs on development of the West Valley Campus which were collected pursuant to Measure B and Measure CC.**

District Response: As noted above, the PRA does not require the District to create documents responsive to PRA Request or answer specific questions, but instead provide any existing documents. Therefore, the District is providing financial reports which contain information related to general obligation bonds in the “*Bond Documents*” folder in the Dropbox link provided below.

**11. Funds expended by the District to date within the City of Palm Springs on development of the West Valley Campus which were collected pursuant to Measure B and Measure CC.**

Andrew L. Jared

May 2, 2022

Page 4

District Response: As noted above, the PRA does not require the District to create documents responsive to PRA Request or answer specific questions, but instead provide any existing documents. Therefore, the District is providing financial reports which contain information related to general obligation bonds in the “*Bond Documents*” folder in the Dropbox link provided below.

**12. Development of the West Valley Campus or any portion thereof.**

District Response: As explained in the District’s Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District’s interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the “West Valley Campus Documents” folder in the Dropbox link provided below.

**13. Consideration by the District, its staff members, or officials regarding the use, current or future use of the West Valley Campus or any portion thereof.**

District Response: As explained in the District’s Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District’s interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the “West Valley Campus Documents” folder in the Dropbox link provided below.

**14. Planning of the use of the West Valley Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: As explained in the District’s Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District’s interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the “West Valley Campus Documents” folder in the Dropbox link provided below.

**15. Public meetings where the current or future use of the West Valley Campus or any portion thereof was considered by the District.**

District Response: As explained in the District’s Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District’s interpretation of this request and the requirements for the



Andrew L. Jared

May 2, 2022

Page 5

PRA, the City can find responsive documents under the Board of Trustee meeting from March 18, 2022, "[click here](#)" to view and download or going to the following link:

<https://go.boarddocs.com/ca/cod/Board.nsf/goto?open&id=CC62ZR04A632>

**16. Decision by the District, its staff members, or officials regarding the current or future use of the West Valley Campus or any portion thereof was made by the District.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the "West Valley Campus Documents" folder in the Dropbox link provided below.

**17. Offers to purchase the site of the West Valley Campus or any portion thereof from the District.**

District Response: The District is still reviewing its files and will provide an update no later than Thursday, June 2, 2022.

**18. Offers to sell site of the West Valley Campus or any portion thereof by District.**

District Response: The District is still reviewing its files and will provide an update no later than Thursday, June 2, 2022.

**19. Board Policy regarding the Desert Community College District locations.**

District Response: The District provided responsive documents included with the District's Initial Response as defined above.

**20. Establishing the Board Policy regarding the Desert Community College District Locations.**

District Response: The District provided responsive documents included with the District's Initial Response as defined above.

**21. Modifying, amending, or deleting the Board Policy regarding Desert Community College District Locations.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the

Andrew L. Jared

May 2, 2022

Page 6

PRA, the City can find responsive documents in [BoardDocs](#) under the Board Policies as follows:

<https://go.boarddocs.com/ca/cod/Board.nsf/goto?open&id=B55V757F4FBE>

**22. Development of the Palm Springs Mall Campus or any portion thereof.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the "West Valley Campus Documents" folder.

**23. Consideration by the District, its staff members, or officials regarding the current or future use of the Palm Springs Mall Campus or any portion thereof.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the "West Valley Campus Documents" folder.

**24. Planning of the use of the Palm Springs Mall Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District has compiled responsive records. The documents are compiled in the "West Valley Campus Documents" folder in the Dropbox link provided below.

**25. Public meetings where the current or future use of the Palm Springs Mall Campus or any portion thereof was considered by the District.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the City can find responsive documents under the Board of Trustee meeting from March 18, 2022, "[click here](#)" to view and/or download or go to the following link:

<https://go.boarddocs.com/ca/cod/Board.nsf/goto?open&id=CC62ZR04A632>

Andrew L. Jared

May 2, 2022

Page 7

**26. Decision by the District, its staff members, or officials regarding the current or future use of the Palm Springs Mall Campus or any portion thereof was made by the District.**

District Response: As stated in the District's Initial Response and the April Email, this request does not identify specific documents and is vague and overly broad. Based on the District's interpretation of this Request, the District has not located any documents responsive to this Request.

**27. Development of the Roadrunner Motors Campus or any portion thereof.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the "Roadrunner Motors Documents" folder in the Dropbox link provided below.

**28. Consideration by the District, its staff members, or officials regarding the current or future use of the Roadrunner Motors Campus or any portion thereof.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the "Roadrunner Motors Documents" folder in the Dropbox link provided below.

**29. Planning of the use of the Roadrunner Motors Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District has compiled responsive records. The documents are compiled in the "Roadrunner Motors Documents" folder in the Dropbox link provided below.

**30. Public meetings where the current or future use of the Roadrunner Motors Campus or any portion thereof was considered by the District.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are available in [BoardDocs](#) under

Andrew L. Jared

May 2, 2022

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the Board of Trustee meeting from March 18, 2022, April 6, 2022, and April 22, 2022 at the following link:

<https://go.boarddocs.com/ca/cod/Board.nsf/vpublic?open>

**31. Decision by the District, its staff members, or officials regarding the current or future use of the Roadrunner Motors Campus or any portion thereof was made by the District.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are available in [BoardDocs](#) under the Board of Trustee meeting from March 18, 2022, April 6, 2022, and April 22, 2022 at the following link:

<https://go.boarddocs.com/ca/cod/Board.nsf/goto?open&id=CC62ZR04A632>

**32. Development of the Indio Campus or any portion thereof.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the "Indio Campus Documents" folder in the Dropbox link provided below.

**33. Consideration by the District, its staff members, or officials regarding the current or future use of the Indio Campus or any portion thereof.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are publicly available in [BoardDocs](#) under the Board of Trustee meeting from March 15, 2019 and August 16, 2019 at the following link:

<https://go.boarddocs.com/ca/cod/Board.nsf/vpublic?open>

**34. Planning of the use of the current or future use of the Indio Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

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District Response: The District has compiled the responsive documents. The documents are compiled in the “Indio Campus Documents” folder in the Dropbox link provided below.

**35. Public meetings where the current or future use of the Indio Campus or any portion thereof was considered by the District.**

District Response: As explained in the District’s Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District’s interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are publicly available in [BoardDocs](#) under the Board of Trustee meeting from March 15, 2019 and August 16, 2019 at the following link:

<https://go.boarddocs.com/ca/cod/Board.nsf/vpublic?open>

**36. Decision by the District, its staff members, or officials regarding the current or future use of the Indio Campus or any portion thereof was made by the District.**

District Response: As explained in the District’s Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District’s interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are publicly available in [BoardDocs](#) under the Board of Trustee meeting from March 15, 2019 and August 16, 2019 at the following link:

<https://go.boarddocs.com/ca/cod/Board.nsf/vpublic?open>

**37. Development of the Desert Hot Springs Campus or any portion thereof.**

District Response: As explained in the District’s Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District’s interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the “Desert Hot Springs Documents” folder in the Dropbox link provided below.

**38. Consideration by the District, its staff members, or officials regarding the current or future use of the Desert Hot Springs Campus or any portion thereof.**

District Response: As explained in the District’s Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District’s interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the “Desert Hot Springs Documents” folder in the Dropbox link provided below.

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**39. Planning of the use of the current or future use of the Desert Hot Springs Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District has compiled responsive records. The documents are compiled in the “Desert Hot Springs Documents” folder in the Dropbox link provided below.

**40. Public meetings where the current or future use of the Desert Hot Springs Campus or any portion thereof was considered by the District.**

District Response: As explained in the District’s Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District’s interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are the five year construction plans presented at the Board of Trustee meeting on July 19, 2018 and July 16, 2022, accessible online through [BoardDocs at the following link:](#) .

<https://go.boarddocs.com/ca/cod/Board.nsf/vpublic?open>.

**41. Decision by the District, its staff members, or officials regarding the current or future use of the Desert Hot Springs Campus or any portion thereof was made by the District.**

District Response: As explained in the District’s Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District’s interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are the five year construction plans presented at the Board of Trustee meeting on July 19, 2018 and July 16, 2022, accessible online through [BoardDocs at the following link:](#)

<https://go.boarddocs.com/ca/cod/Board.nsf/vpublic?open>

**42. Development of the Mecca/Thermal Campus or any portion thereof.**

District Response: As explained in the District’s Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District’s interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are compiled in the “Mecca-Thermal Documents” folder in the Dropbox link provided below.

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**43. Consideration by the District, its staff members, or officials regarding current or future use of the Mecca/Thermal Campus or any portion thereof.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are compiled in the "Mecca-Thermal Documents" folder in the Dropbox link provided below.

**44. Planning of the use of the current or future use of the Mecca/Thermal Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District has compiled responsive records. The documents are compiled in the "Mecca-Thermal Documents" folder in the Dropbox link provided below.

**45. Public meetings where the current or future use of the Mecca/Thermal Campus or any portion thereof was considered by the District.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are the five year construction plans presented at the Board of Trustee meeting on July 19, 2018 and July 16, 2022, accessible online through [BoardDocs at the following link:](#)

<https://go.boarddocs.com/ca/cod/Board.nsf/vpublic?open>

**46. Decision by the District, its staff members, or officials regarding the current or future use of the Mecca/Thermal Campus or any portion thereof was made by the District.**

District Response: As stated in the District's Initial Response and the April Email, this request does not identify specific documents and is vague and overly broad. Based on the District's interpretation of this Request, the District has not located any documents responsive to this Request. The District is still reviewing its files and will provide an update no later than Thursday, June 2, 2022.



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**47. Development of the Palm Springs, Temporary Campus or any portion thereof.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the "Palm Springs Temporary Campus Documents" folder in the Dropbox link provided below.

**48. Consideration by the District, its staff members, or officials regarding the current or future use of the Palm Springs, Temporary Campus or any portion thereof.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the "Palm Springs Temporary Campus Documents" folder in the Dropbox link provided below .

**49. Planning of the use of the current or future use of the Palm Springs, Temporary Campus or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District has compiled responsive records. The documents are compiled in the "Palm Springs Temporary Campus Documents" in the Dropbox link provided below.

**50. Public meetings where the current or future use of the Palm Springs, Temporary Campus or any portion thereof was considered by the District.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are the five year construction plans presented at the Board of Trustee meeting on July 16, 2022, accessible online through [BoardDocs at the following link:](#)

<https://go.boarddocs.com/ca/cod/Board.nsf/vpublic?open>

**51. Decision by the District, its staff members, or officials regarding the current or future use of the Palm Springs, Temporary Campus or any portion thereof was made by the District.**



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District Response: As stated in the District's Initial Response and the April Email, this request does not identify specific documents and is vague and overly broad. Based on the District's interpretation of this Request, the District has not located any documents responsive to this Request.

**52. Development of Other Campus Sites (City of Coachella).**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are in the "Coachella Documents" folder in the Dropbox link provided below.

**53. Consideration by the District, its staff members, or officials regarding the current or future use of Other Campus Sites (City of Coachella) or any portion thereof.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are the five year construction plans presented at the Board of Trustee meeting on July 16, 2022, accessible online through [BoardDocs at the following link:](#)

<https://go.boarddocs.com/ca/cod/Board.nsf/vpublic?open>

**54. Planning of the use of Other Campus Sites (City of Coachella) or any portion thereof. This request should include documents related to procurement of design and other professionals in preparation of such studies or reports, including but not limited to RFPs/RFQs, bids/responses to such RFPs/RFQs, invoices from such professionals, and payments to such professionals.**

District Response: The District has compiled responsive records. The documents are compiled in the "Coachella Documents" folder in the Dropbox link provided below.

**55. Public meetings where the current or future use of Other Campus Sites (City of Coachella) or any portion thereof was considered by the District.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are the five year construction plans presented at the Board of Trustee meeting on July 16, 2022, accessible online through [BoardDocs at the following link:](#)

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<https://go.boarddocs.com/ca/cod/Board.nsf/vpublic?open>

**56. Decision by the District, its staff members, or officials regarding the current or future use of Other Campus Sites (City of Coachella) or any portion thereof was made by the District.**

District Response: As stated in the District's Initial Response and the April Email, this request does not identify specific documents and is vague and overly broad. Based on the District's interpretation of this Request, the District has not located any documents responsive to this Request.

**57. Cost overruns for construction, development or planning of District facilities or proposed District facilities.**

District Response: As explained in the District's Initial Response and the April Email, this request does not identify specific documents and therefore, is overly broad and vague. However, based on the District's interpretation of this request and the requirements for the PRA, the District compiled responsive documents which are publicly available in [BoardDocs](#) under the Board of Trustee meeting from March 18, 2022, April 6, 2022, and April 22, 2022.

**58. Facility planning process for District facilities, including but not limited to guidelines used by District to establish the number, size, and location of District facilities.**

District Response: The responsive documents were provided in December 2021.

**59. District action approving language of Measure B.**

District Response: The District is providing the original board resolution approved on July 16, 2016 which can be found in the "*Bond Documents*" folder in the Dropbox link provided below.

**60. District action approving language of Measure CC.**

District Response: The responsive documents were provided in December 2021.

**61. Campaign literature regarding Measure B.**

District Response: The District is providing media articles collected about Measure B which can be found in the "*Bond Documents*" folder in the Dropbox link provided below.

**62. Campaign literature regarding Measure CC.**

District Response: The responsive documents were provided in December 2021.

Andrew L. Jared

May 2, 2022

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**63. Statements by District concerning use of Measure B funds**

District Response: The District is providing the original board resolution that contains the full bond language which can be found in the “*Bond Documents*” folder in the Dropbox link provided below.

**64. Statements by District concerning use of Measure CC funds.**

District Response: The District is providing the original bond language and advertisements for measure CC can be found in the “*Bond Documents*” folder in the Dropbox link provided below.

**65. The distinction by District between District facilities identified as a "center", a "campus", a "facility", and a "site". This request is looking for document to assist in understating how and why the District names its assets one of these terms versus another of these terms, and the process used by District to make such distinctions.**

District Response: As stated in the District’s Initial Response and the April Email, this request does not identify specific documents and is vague and overly broad. Based on the District’s interpretation of this Request, the District has not located any documents responsive to this Request. .

**66. Requirements identified by the District to comply with state requirements regarding sites, centers, and campuses.**

District Response: As stated in the District’s Initial Response and the April Email, this request does not identify specific documents and is vague and overly broad. Based on the District’s interpretation of this Request, the District has not located any documents responsive to this Request..

**67. Bonds issued based on revenues from Measures B and CC.**

District Response: The District has information about the Measure B and Measure CC Bonds in the “Bond Document” folder for download. General obligation bonds are not issued based on revenues from a measure.

The District provides the responses above, and the associated documents, in accordance with the PRA and subject to the conditions set forth herein and in the District’s Initial Response. As stated in the District’s Initial Response, judicial interpretation of the PRA limits the District’s responsibilities under the CPRA to specific requests of certain specific documents (See, *Rosenthal v. Hansen* (1973) 34 Cal.App.3d 754). Accordingly, wherever the City’s requests are vague or ambiguous, the District has applied a reasonable interpretation to such request in order to comply with the PRA wherever appropriate, as explained above.

Atkinson, Andelson, Loya, Ruud & Romo

Andrew L. Jared

May 2, 2022

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As further explained in the District's Initial Response, the PRA only applies to existing documents and does not require the District to create a responsive document to satisfy your requests. (See, Cal. Gov't Code § 6253.)

The documents and folders referenced above are available for download through Dropbox via the following link: [clicking here](#) or going to the following link

<https://www.dropbox.com/scl/fo/sdfiwiz3jwgb268sthsh5/h?dl=0&rlkey=whaxxj4xg3p394v9gifs9ug6>.

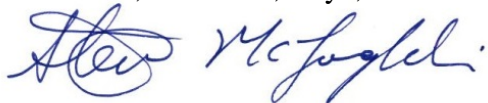
As stated above, this Dropbox link will remain viable for three months from the date of this letter. If you have any issues with uploading the documents, please let me know.

As stated in the District's Initial Response, the District provides the documents referenced here and available via upload as a courtesy in compliance with the PRA. Thus, the District reserves the right to charge for its costs for any additional documents produced pursuant to the City's PRA.

The District will provide additional responses to the requests as noted above. In the meantime, if you any questions or concerns, please feel free to contact me.

Sincerely,

Atkinson, Andelson, Loya, Ruud & Romo

A handwritten signature in blue ink that reads "Steve McLoughlin". The signature is written in a cursive, flowing style.

Stephen M. McLoughlin

cc: Martha Garcia, Ed.D., Superintendent/President, College of the Desert (COD)  
Christina Tafoya, Interim Executive Vice President (COD)  
Justin Clifton, City Manager

# **EXHIBIT F**



# City of Palm Springs

Justin Clifton

City Manager

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262  
Tel: (760) 322-8350 • Fax: (760) 323-8207 • Web: [www.palmspringsca.gov](http://www.palmspringsca.gov)

May 11, 2022

## VIA EMAIL

Dr. Martha Garcia  
Superintendent/President, College of the Desert  
43500 Monterey Avenue  
Palm Desert, CA 92260  
Email: [MGarcia@collegeofthedesert.edu](mailto:MGarcia@collegeofthedesert.edu)

Re: College's Response to Palm Springs' 2021-12-09 Public Records Request

Dear Dr. Garcia:

Thank you for your April 14, 2022 email with the Cambridge West Partnership contract and your attorneys' May 2, 2022 partial response to Palm Springs' December 8, 2021 public records request ("Request"). Palm Springs is encouraged by the College's attempts to comply with the California Public Records Act. However, this process remains stalled by delay, legalese, and what appears to be reluctance to be forthcoming with documentation. I am reaching out to you directly to facilitate this process and complete the College's production of documents.

As you noted, the Request included **67 categories of documents** related to College of the Desert's campus development plans, including the following:

- Records showing the College's good-faith compliance with the terms of the property transfer and development agreement for the property at Tramview Road and Indian Canyon Drive the City granted to the College;
- Records documenting the College's use of Measure B and Measure CC funds, both within and outside of Palm Springs
- Records describing the College's facilities planning process; and
- Materials from the approval of Measure B and Measure CC.

The City also requested documents about campus development. The Request referred to seven different locations the College has considered for a new campus:

- The property at Tramview Road and Indian Canyon Drive in Palm Springs (the “Park Property”);
- The property at East Tahquitz Canyon Way in Palm Springs (the “Mall Property”);
- The Palm Springs temporary campus at 1300 East Baristo Road (the “Palm Springs Temporary Campus”);
- The “Mecca/Thermal Campus” at 61120 Buchanan Street in Mecca, California;
- The “Desert Hot Springs Campus” at 11625 West Drive in Desert Hot Springs;
- The Roadrunner Motors campuses proposed for Cathedral City (the “Roadrunner Motors Campus”); and
- Any campus site the College considered in the City of Coachella.

For each campus or potential campus location, the City requested the following documents regarding:

- Development of the campus;
- Consideration of current or future uses for the campus locations;
- Planning documents for each of the campus locations;
- Public meetings about the current or future use of the campus or campus location; and
- Decisions regarding current or future use of the campus or campus location.<sup>0</sup>

While Palm Springs appreciates the progress to date and will thoroughly review the records the College produced by your counsel on May 2, your counsel’s insistence that Request is vague suggests both that the College’s search is incomplete and that the College is unwilling to provide access until we essentially name specific documents. Of course, the nature of a public records request makes that impossible. Palm Springs know the categories of documents we wish to review, but not the specific documents. The College knows what documents exist.

While Palm Springs clarified the scope of the Request in a detailed letter dated February 4, 2022, the College’s May 2 response letter makes no reference to the City’s April 4 clarification. Our attorneys will work with your legal counsel to sort out those issues pertaining to the details of the response and further address those issues. However, we want to reiterate that as was stated in our February 4, 2022 letter, our overall intent is “to clarify the District’s current campus development plans.”

Our February 4, 2022 letter offered to suspend Palm Springs’ requests for records responsive to categories 2–11, 59–65, and 67, and asked the College to focus its efforts on producing records related to a future campus at the Palm Springs Mall site — specifically,

requests 22–26. While the City appreciates the production of May 2, its scope suggests the College ignored this offer and has held on to an argument that the request is essentially overbroad.

The City reiterates its request to please promptly respond to the Request categories 22-26, starting with the most recent records in the College's possession or control related to the College of the Desert campus proposed for the old Palm Springs Mall site on Tahquitz Canyon Way in Palm Springs.

I am reaching out to you directly because the College's assertion that it has no documents responsive to request 26, records related to a "Decision by the District, its staff members, or officials regarding the current or future use of the Palm Springs Mall Campus or any portion thereof" is concerning.

Request 26 is not vague, as the College alleges. Palm Springs explained in its February 4 letter that this request refers to "public records relating to decisions by the District, its staff members, or officials regarding the current or future use" of the Palm Springs Mall site, with "decisions" meaning "actions taken by officials or employees in their capacity as agents of the District," and "officials" meaning "elected or appointed officials, including people appointed to District committees, as distinct from employees of the district."

A cursory Google search reveals the College indeed possesses records responsive to this request. For example, an April 17, 2018 press release reports the College's decision to purchase the Palm Springs Mall campus.<sup>1</sup> Former Board President Becky Broughton stated, "Long ago, the District made a promise to the West Valley residents to provide a campus closer to where students live and work." Palm Springs requests the College revisit request 26 and produce all records documenting that promise.

The College's May 2 response also states it has no documents defining and distinguishing the terms "center," "campus," "facility," and "site." Yet records already produced define those terms: The College's 2019 Facilities Master Plan defines some of those terms in a glossary. The City requests the College revisit this request and determine whether any other such glossaries or district nomenclature exist.

Finally, the College states it has no documents responsive to request 66, documents showing the "[r]equirements identified by the District to comply with state requirements regarding sites, centers, and campuses." Yet Education Code section 81033, subdivision (a) requires the District Board to evaluate potential sites for a school building. That section further requires that such potential sites be "investigated by competent personnel to ensure that the final site selection is determined by an evaluation of **all factors affecting the public interest** and is not limited to selection on the basis of raw land cost only." (Emphasis added). Accordingly, it is clear that the College should possess such a report for the selection of each campus, and the results of this investigation for the Palm Springs Mall site should be in your possession now.

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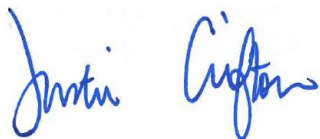
<sup>1</sup> [https://cms.collegeofthedesert.edu/\\_web-items/documents/pdf-files/public-relations-office/press-releases/20180417-cod-purchases-former-palm-springs-mall.pdf](https://cms.collegeofthedesert.edu/_web-items/documents/pdf-files/public-relations-office/press-releases/20180417-cod-purchases-former-palm-springs-mall.pdf)



In light of the above, Palm Springs requests the College review its May 2 response with its counsel and its public information officer to ensure it conducted a reasonable search and transparently produced all responsive public records, as the California Public Records Act requires, as it appears that has not taken place. We look forward to working with you to see though these issues.

Palm Springs appreciates your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Justin Clifton". The signature is written in a cursive style with a blue ink color.

Justin Clifton

# **EXHIBIT G**



DESERT COMMUNITY COLLEGE DISTRICT  
43500 Monterey Avenue  
Palm Desert, CA 92260  
760.346.8041 | [www.collegeofthedesert.edu](http://www.collegeofthedesert.edu)

**VIA E-MAIL**

June 2, 2022

Justin Clifton, City Manager  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, Ca 92262  
[Justin.Clifton@palmsspringsca.gov](mailto:Justin.Clifton@palmsspringsca.gov)

Dear Mr. Clifton:

This letter is in response to your letter dated May 11, 2022 in regards to the City of Palm Springs' ("City") Public Records Act request to the College of the Desert ("College"). First, we want to assure you that the College is not reluctant to provide documentation in response to the City's Request. As stated in your letter, the District's legal counsel provided a response to the City's Request along with documents on May 2, 2022. However, as noted in the College's response, the City's request includes sixty-seven (67) categories of documents, most of which require the College to search multiple sources to locate all documents that may be responsive to the City's requests. While the College appreciates the clarifications provided by the City, many of the categories remain very broad and seek multiple documents. The College has limited staff but has been working, and will continue to work, diligently to review the City's requests, locate responsive documents, and provide them as soon as possible.

The College will work with legal counsel to provide a supplemental response, with documents, through legal counsel on or before **July 12, 2022**. In the meantime, we ask that the City direct all future correspondence to the District's legal counsel, Stephen McLoughlin, who is copied on this correspondence. The College will provide its further response through legal counsel as well. Again, the College is working diligently to review its files to provide documents and will continue to provide responses as soon as possible. In the meantime, please direct all further inquiries to Mr. McLoughlin.

Sincerely,

Nicholas Robles  
Public Information Officer  
[nrobles@collegeofthedesert.edu](mailto:nrobles@collegeofthedesert.edu)

cc: Dr. Christina Tafoya, Executive Vice President, College of the Desert  
Mr. Stephen McLoughlin, Atkinson, Andelson, Loya, Ruud & Romo

---

**BOARD OF TRUSTEES**

Rubén Aríaztlán Pérez, Chair • Bonnie Stefan, Ed.D., Vice Chair • Fred E. Jandt, Ph.D., Clerk  
Bea Gonzalez, Member • Aurora Wilson, Member • Ireland Olson, Student Trustee

**Superintendent/President**  
Martha Garcia, Ed.D.

# **EXHIBIT H**

## Conor W. Harkins

---

**From:** Stephen M. McLoughlin <SMcLoughlin@aalrr.com>  
**Sent:** Tuesday, July 12, 2022 5:25 PM  
**To:** Andrew L. Jared; Conor W. Harkins  
**Cc:** 'Justin.Clifton@palmspringsca.gov'; Christina Tafoya (chtafoya@collegeofthedesert.edu); Nicholas Robles (nrobles@collegeofthedesert.edu)  
**Subject:** College of the Desert: Public Records Act Request Response [AALRR-Cerritos.005794.00012]

Hello Andrew:

The College's last communication with the City indicated it would provide further response to the City's December Public Records Act request today. However, the College is dealing with a major computer disruption, which has affected staff's ability to send and receive emails and access documents. They are working on bringing everything back up to normal as we speak so the College will provide its supplemental responses as soon as it can re-access its system. In the meantime, if you any questions please let me know. Thanks.

**Stephen M. McLoughlin** | Partner  
Atkinson, Andelson, Loya, Ruud & Romo  
12800 Center Court Drive, Suite 300, Cerritos, California 90703  
Main (562) 653-3200 • Fax (562) 653-3333  
[smcloughlin@aalrr.com](mailto:smcloughlin@aalrr.com) | [vcard](#) | [bio](#) | [website](#) | [subscribe](#)

# **EXHIBIT I**

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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RIVERSIDE  
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SACRAMENTO  
(916) 923-1200

SAN DIEGO  
(858) 485-9526

OUR FILE NUMBER:

005794.00003  
38351241.1

September 1, 2022

***VIA FIRST CLASS AND ELECTRONIC MAIL***

Andrew L. Jared  
Special Legal Counsel, City of Palm Springs  
Colantuono, Highsmith, Whatley, PC  
790 E. Colorado Boulevard, Suite 850  
Pasadena, CA 91101

**Re: College of the Desert Further Response to Public Records Act Request for Documents Related to “Development of College Campuses”**

Dear Mr. Jared:

As you know, our office represents the College of the Desert (“College”) in regards to the City of Palm Springs’ (“City”) Public Records Act request dated December 9, 2021 (the “City’s Request”). This letter, and the documents referenced below, constitute the College’s continued response to the City’s Request.

This response is another follow up to the College’s prior responses. In summary, the City’s Request includes sixty-seven (67) separate categories of documents sought by the City. The College provided an initial response to the City’s Request on December 9, 2021 which included documents responsive to several of the categories. However, as explained in the College’s initial response, several of the categories are very broad and therefore require the College to review multiple sources of documents, including electronic systems, to locate documents, determine if they are responsive, assess whether they are disclosable pursuant to the Public Records Act, and then prepare the documents for production. Thus, the College’s initial response offered to provide supplemental responses as documents were located.

On May 2, 2022, our office sent another update response to the City’s Request which included a “dropbox” link providing the City with access to several folders of documents responsive to the City’s Request. The College’s May 2, 2022 Response identified the specific documents responsive to each category and indicated that the College would continue to review its files to locate responsive documents. However, because of the broadness of the City’s Request, and the College’s limited staff available to conduct the review noted above, the College noted it may take time to locate more responsive documents. As noted in my prior email to you dated July 12, 2022, the College planned to provide additional documents but experienced a computer network disruption and therefore, was delayed in providing this updated response.

Andrew L. Jared  
September 1, 2022  
Page 2

On May 11, 2022, the College's staff received a letter from Justin Clifton, the City Manager, regarding the City's Request. Notably, this letter was sent directly from the City to the College without copying our office or apparently your office despite the fact that we have been communicating directly on behalf of the College with your office. Adding to the confusion, the City's May 11, 2022 letter references a letter dated February 4, 2022 but was not provided directly to the College and was mentioned by the City's staff to the College's staff during several subsequent direct interactions. Thus, on June 2, 2022, the College provided a response to City's May 11, 2022 letter, noting that our office, as the College's legal counsel, has been providing responses to the City's Public Records Act requests and will continue to do so, including providing a response to the City's May 11, 2022 letter.

City's May 11, 2022 letter seeks further responses to Request category numbers 22-26 and indicates the City has suspended its request for records responsive to categories 1-11, 59-65, and 67. Thus, this letter constitutes the College's supplemental response to the City's Request as well as a response to the City's May 11, 2022 letter.

The College is providing additional documents in response to the City's Request through the attached ftp site:

<https://aalrr.sharefile.com/f/fo55ae07-2028-4e77-a40e-f3a641273aa6>

Specifically, these documents (the "FTP Documents") include further documents regarding the Palm Springs Mall Property, as defined in the City's Initial Request. Thus, these documents are responsive to all Request categories seeking documents related to the Mall Property.

The City's May 11, 2022 letter seeks further responses to Request categories 22-26. Please note that the College's May 2, 2022 letter included documents responsive to categories 22-24 through a separate folder included in the dropbox. The FTP Documents provide further response to these categories.

With respect to category 25, the College's May 2, 2022 letter included a link to the College's responsive documents. Thus, the College already fully responded to Request category 25.

With respect to Request category 26, the College's initial response included the following response:

26. Decision by the College, its staff members, or officials regarding the current or future use of the Palm Springs Mall Campus or any portion thereof was made by the College.

College Response: As stated in the College's Initial Response and the April Email, this request does not identify specific documents and is vague and overly broad. Based on the College's interpretation of this Request, the College has not located any documents responsive to this Request.



Andrew L. Jared  
September 1, 2022  
Page 3

The City's May 11, 2022 letter indicates Request category 26 seeks "public records relating to decisions by the College, its staff members, or officials regarding the current or future use" of the Palm Springs Mall site. The City's May 11, 2022 letter further indicates that the term "decisions" means "actions taken by officials or employees in their capacity as agents of the College," and "officials" meaning "elected or appointed officials, including people appointed to College committees, as distinct from employees of the district."

The City's May 11, 2022 letter goes on to note:

"A cursory Google search reveals the College indeed possesses records responsive to this request. For example, an April 17, 2018 press release reports the College's decision to purchase the Palm Springs Mall campus.<sup>1</sup> Former Board President Becky Broughton stated, "Long ago, the College made a promise to the West Valley residents to provide a campus closer to where students live and work." Palm Springs requests the College revisit request 26 and produce all records documenting that promise.

The College notes that the press release does not reflect a "decision" made by the College regarding the Palm Springs Mall site. Beyond the press release referenced by the City, the College has not located any public records responsive to Request category 26. As noted in the College's initial response, the Public Records Act does not require the College to create documents or respond to specific inquiries but only requires the College to produce public documents in its possession responsive to the request. The College has no further documents responsive to Request category 26.

### **Summary Response**

We note that the City's May 11, 2022 suggested that the College has "delayed" its response to the City. This is simply not the case. As indicated above and in the College's initial responses, the City's Request includes sixty-seven categories of documents and therefore, required the College to search multiple locations for potential documents, review the documents to determine if they are responsive, assess whether they should be released by the Public Contract Code, and then prepare them for production. The College provided multiple responses with documents, including this letter. Thus, the College has, and will continue to operate in good faith to respond to the City's inquiries. However, the College has limited staff and several sources of documents it must carefully review and assess whenever it receives a Public Records Act request, including the request from the City. The College will provide an update regarding its search for documents, along with any other documents found that are responsive to the City's request, on or before November 18, 2022.

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

Andrew L. Jared  
September 1, 2022  
Page 4

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A handwritten signature in blue ink that reads "Steve McLoughlin". The signature is written in a cursive style with a large initial "S" and a stylized "M".

Stephen M. McLoughlin

SMM:mbq

cc: Dr. Christina Tafoya, Executive Vice President, College of the Desert  
Mr. Nicholas Robles, Public Information Officer, College of the Desert

# **EXHIBIT J**

**COLANTUONO**  
**HIGSMITH**  
**WHATLEY, PC**

ANDREW L. JARED | (213) 542-5739 | AJARED@CHWLAW.US

Our File No. 46023.0004

June 21, 2022

**VIA EMAIL AND U.S. MAIL**

Nicholas Robles  
Public Information Officer, Office of the  
Superintendent  
College of the Desert  
43500 Monterey Avenue  
Palm Desert, CA 92260  
NRobles@collegeofthedesert.edu

Stephen M. McLoughlin  
Atkinson, Andelson, Loya, Ruud, & Romo  
12800 Center Court Drive South, Suite 300  
Cerritos, California 90703-9364  
SMcLoughlin@aalrr.com

Re: Public Records Request: Cambridge West Feasibility Studies

Dear Mr. Robles and Mr. McLoughlin:

I write pursuant to the Public Records Act, Government Code section 6250 et seq., to request all records related to the College of the Desert's ("College") agreement with Cambridge West Partnership, LLC ("Cambridge West") for facilities planning support. This request uses the following definitions:

"All public records" means every public record or writing in the College's actual or constructive possession — whether an original copy, draft or final version — known to the College and every such record the College can locate or discover by reasonably diligent efforts.

"Constructive possession" as defined in *Anderson-Barker v. Superior Court* (2019) 31 Cal.App.5th 528.

"Feasibility study" includes the "existing planning documentation ... and feasibility data" for the Palm Springs property referred to in item number ten on the list of Contracts / Agreements / Amendments / Revenue Agreements the College approved

**790 E. COLORADO BOULEVARD, SUITE 850, PASADENA, CALIFORNIA 91101-2109 | (213) 542-5700**

**GRASS VALLEY | PASADENA | SACRAMENTO | SOLANA BEACH | SONOMA**

on January 21, 2022 as item number 11.02 on the Board of Trustees' consent calendar. A copy of Agenda Item 11.02 is attached hereto for your reference. "Feasibility Study" also includes any data the College is required to collect for a campus site pursuant to Education Code section 81033, subdivision (a).

"Mall Property" means the property the College owns at 2363 Tahquitz Canyon Way, Palm Springs, CA 92262.

"Public Records" as defined in Government Code section 6252, subdivision (d). "Public record" includes email; text message; Slack channels; chat logs from Teams, Zoom, or Webex; or any other platform College officers, employees, or contractors use to conduct College business.

"Relating to" means directly or indirectly, in whole or in part, referring to, concerning, evidencing, connected with, commenting on, affecting, responding to, showing, describing, analyzing, reflecting or constituting.

"Writing" as defined in Government Code section 6252, subdivision (g) and Evidence Code section 250.

The City of Palm Springs requests all public records relating to the following:

1. Any public records documenting the College's decision to study the feasibility of a campus on the Mall Property.
2. Any agreement with Cambridge West for review of the campus project proposed for the Mall Property, sometimes referred to by the College as the "Palm Springs Development Project," and communications or correspondence related thereto.
3. Any Cambridge West review of the Palm Springs Development Project or any other campus project proposed for the Mall Property, and communications or correspondence related thereto.
4. Any feasibility study conducted for the Mall Property, and communications or correspondence related thereto.

Within 10 days of receipt of this public records request, please notify us whether the College: (1) has records responsive to this request; (2) the page count and cost of

June 21, 2022

Page 3

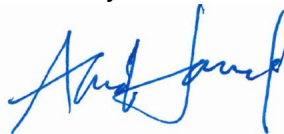
copying the records and their availability in electronic format; and (3) the time required to provide the documents requested.

If public records responsive to this request are available in electronic format, please produce all responsive documents in electronic format even if the records are also available in paper format. If there are no records responsive to a particular category listed above, please confirm in writing that such records do not exist.

If you believe any responsive record is exempt from disclosure, please provide a detailed written explanation of the applicable exemption, including the name and title of the person who determined the record is responsive but exempt. If redaction or segregation of the exempt material is possible, you must produce the non-exempt portions of responsive public records with the exempt material redacted or omitted. Please note that article 1, section 3, subdivision (b)(2) of the California Constitution expressly requires you to broadly construe all provisions that further the public's right of access, and to apply any limitations on access as narrowly as possible.

If I can provide any clarification that will help you to expedite this request, please do not hesitate to contact me at (213) 542-5739 or AJared@chwlaw.us.

Sincerely,



Andrew L. Jared

# **EXHIBIT K**

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

12800 CENTER COURT DRIVE SOUTH, SUITE 300  
CERRITOS, CALIFORNIA 90703-9364  
(562) 653-3200 · (714) 826-5480

FAX (562) 653-3333  
WWW.AALRR.COM

FRESNO  
(559) 225-6700

IRVINE  
(949) 453-4260

PASADENA  
(626) 583-8600

PLEASANTON  
(925) 227-9200

RIVERSIDE  
(951) 683-1122

SACRAMENTO  
(916) 923-1200

SAN DIEGO  
(858) 485-9526

OUR FILE NUMBER:

005794.00003  
37620560.1

July 1, 2022

***VIA FIRST CLASS AND ELECTRONIC MAIL***

Andrew L. Jared  
Special Legal Counsel, City of Palm Springs  
Colantuono, Highsmith, Whatley, PC  
790 E. Colorado Boulevard, Suite 850  
Pasadena, CA 91101

**Re: College of the Desert  
Response to Public Records Act Requests dated June 21, 2022**

Dear Mr. Jared:

As you know, our office represents the College of the Desert (“College”). The College is receipt of two Public Records Act requests from our office on behalf of your client, the City of Palm Springs’ (“City”) both dated June 21, 2022. This letter constitutes the College’s initial response to both requests, as set forth below. The College will address the Requests pursuant to the requirements of the Public Records Act (“PRA”) as set forth in California Government Code section 6250 et seq. Please forward all communication regarding this matter to my attention.

Upon receipt of a valid PRA request, the College must first determine if the documents requested are disclosable. (Government Code §6253(c).) This letter serves as the College’s notification of its determination pursuant to this Section regarding both PRA requests. Please note that the PRA prohibits the College from releasing documents that are subject to various protections or when the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Government Code §6255.) Further, the PRA does not require the College to create a list or draft any document in response to a request. Instead, the College is only required to produce existing documents that are not protected or otherwise exempt from disclosure.

The City’s first request (the “First PRA Request”) seeks the following:

all “Monthly Bond Reports” or “Capital Projects Report to the Board of Trustees” in College’s actual or constructive possession created since January 1, 2017. This request refers to reports generated by MAAS Companies, Inc. and posted to the website <<https://codbond.maasco.com/july-2018-monthly-bond-report/>> (as of May 26, 2022.)



Andrew L. Jared

July 1, 2022

Page 2

In response to this request, the College collected the bond reports and capital project reports provided to the College since January 1, 2017. These documents can be found electronically at the following link:

<https://aalrr.sharefile.com/f/foeff85a-1705-4185-ad0e-32305abf8759>

I also provided this link in the email attaching this letter for your use. If you have any issues opening the link or accessing the documents, please let me know. Please also note that the College now provides its reports to the public through its website:

<https://go.boarddocs.com/ca/cod/Board.nsf/vpublic?open>

The next report will be available around July 21, 2022. With these links, the College fully responded to this First PRA Request by providing all documents in the College's possession responsive to the First PRA Request.

The second PRA request of the same date ("the Second PRA Request") seeks four distinct categories of documents. The College has conducted an initial review of its files and provides an initial response to each of these requests, provided below. As you will see, the College was able to provide documents responsive to several of these requests, indicated below, and included these documents with this initial response. However, some of the Requests seek documents that will require the College to review several sources of documents to locate responsive documents and determine if they are disclosable. Thus, the College will conduct this review and provide a follow up response as set forth below.

**1. Any public records documenting the College's decision to study the feasibility of a campus on the Mall Property.**

The term "documenting" makes this request vague. In an effort to work with the City to provide responsive documents, the College will interpret this request to seek documents that mention the College's decision to study the feasibility of a campus on the Mall Property, as defined in the Second PRA Request. The College is in the process of reviewing its files to determine if it has any documents responsive to this request and will provide a further response on or before August 31, 2022.

**2. Any agreement with Cambridge West for review of the campus project proposed for the Mall Property, sometimes referred to by the College as the "Palm Springs Development Project," and communications or correspondence related thereto.**

The College produced the agreement with Cambridge West through the link listed above. With respect to the remaining portion of the request which seeks "communications or correspondence related thereto" the phrase "related thereto" is vague and ambiguous. The College recognizes the Second PRA Request attempts to define the term "relating to" but this definition is similarly vague as it suggests related "means directly or indirectly, in whole or in part, referring to,

Andrew L. Jared

July 1, 2022

Page 3

concerning, evidencing, connected with, commenting on, affecting, responding to, showing, describing, analyzing, reflecting or constituting.” The terms “connected with” and “reflecting” are not clearly defined. In an effort to respond to this request, the College will locate documents that mention Cambridge West’s pending review of the Mall Property, as defined in the Second PRA Request. The College is in the process of reviewing its files to determine if it has any documents responsive to this request and will provide a further response on or before August 31, 2022.

**3. Any Cambridge West review of the Palm Springs Development Project or any other campus project proposed for the Mall Property, and communications or correspondence related thereto.**

The College does yet not have any document describing Cambridge West’s review of any project for the Mall Property. With respect to the remaining portion of the request which seeks “communications or correspondence related thereto” the phrase “related thereto” is vague and ambiguous. The College recognizes the Second PRA Request attempts to define the term “relating to” but this definition is similarly vague as it suggests related “means directly or indirectly, in whole or in part, referring to, concerning, evidencing, connected with, commenting on, affecting, responding to, showing, describing, analyzing, reflecting or constituting.” The terms “connected with” and “reflecting” are not clearly defined. In an effort to respond to this request, the College will locate documents that mention Cambridge West’s review of any College project proposed the Mall Property, as defined in the Second PRA Request. The College is in the process of reviewing its files to determine if it has any documents responsive to this request and will provide a further response on or before August 31, 2022.

**4. Any feasibility study conducted for the Mall Property, and communications or correspondence related thereto.**

The College does yet not have feasibility study for the Mall Property. With respect to the remaining portion of the request which seeks “communications or correspondence related thereto” the phrase “related thereto” is vague and ambiguous. The College recognizes the Second PRA Request attempts to define the term “relating to” but this definition is similarly vague as it suggests related “means directly or indirectly, in whole or in part, referring to, concerning, evidencing, connected with, commenting on, affecting, responding to, showing, describing, analyzing, reflecting or constituting.” The terms “connected with” and “reflecting” are not clearly defined. In an effort to respond to this request, the College will locate documents that mention a feasibility study for the Mall Property, as defined in the Second PRA Request. The College is in the process of reviewing its files to determine if it has any documents responsive to this request and will provide a further response on or before August 31, 2022.

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

Andrew L. Jared

July 1, 2022

Page 4

**Summary Response**

As indicated above, the College has responded to some of the requests in both of the City's PRA Requests and will continue to search its files to locate the other documents referenced above. Thus, the College will provide a further response, with the responsive documents it locates, by August 31, 2022. If the College locates documents that require copying, the College reserves the right pursuant to Government Code Section 6253(b) to seek payment for such costs. However, the College will try to provide any responsive documents electronically as requested.

If you have any questions, or would like to discuss in further detail, please feel free to contact me.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A handwritten signature in blue ink that reads "Steve McLoughlin". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Stephen M. McLoughlin

cc: Dr. Christina Tafoya, Executive Vice President, College of the Desert  
Mr. Nicholas Robles, Public Information Officer, College of the Desert

# **EXHIBIT L**

COLANTUONO  
HIGSMITH  
WHATLEY, PC

ANDREW L. JARED | (213) 542-5739 | AJARED@CHWLAW.US

Our File No. 46023.0004

August 11, 2022

VIA EMAIL AND U.S. MAIL

Nicholas Robles  
Public Information Officer, Office of the  
Superintendent  
College of the Desert  
43500 Monterey Avenue  
Palm Desert, CA 92260  
NRobles@collegeofthedesert.edu

Stephen M. McLoughlin  
Atkinson, Andelson, Loya, Ruud, & Romo  
12800 Center Court Drive South, Suite 300  
Cerritos, California 90703-9364  
SMcLoughlin@aalrr.com

Re: Public Records Request: August 4, 2022 Virtual Community Forum

Dear Mr. Robles and Mr. McLoughlin:

I write on behalf of the City of Palm Springs (“City”) to request public records related to the Virtual Community Forum the College of the Desert (“College”) held on August 4, 2022 (see the College’s [August 1, 2022 press release](#).)

**First**, the City requests all communications sent to or from any of the Presenters (defined *infra*). This request is limited to communications created between 4:30 p.m. and 8:30 p.m. Pacific Daylight Time on August 8, 2022.

**Second**, the City requests all questions or comments submitted to the College about the Virtual Community Forum. This request has no time limit — it seeks all questions or comments the College received about the August 4, 2022 Virtual Community Forum, regardless of when the question or comment was drafted or delivered.

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790 E. COLORADO BOULEVARD, SUITE 850, PASADENA, CALIFORNIA 91101-2109 | (213) 542-5700  
GRASS VALLEY | PASADENA | SACRAMENTO | SOLANA BEACH | SONOMA

This request uses the following definitions:

“Communications” includes any public records exchanged between or among the Presenters.

“Constructive possession” as defined in *Anderson-Barker v. Superior Court* (2019) 31 Cal.App.5th 528.

The “Presenters” are:

1. Dr. Christina Tafoya, College of the Desert
2. Debbie Waters, WRNS Studios
3. Jean Gath, Pfeiffer, Consulting Campus Architect
4. John White, College of the Desert
5. Mac McGinnis, MAAS
6. Dr. Martha Garcia, College of the Desert
7. Mitch Fine, WRNS Studios
8. Nicholas Robles, College of the Desert

“Public Records” as defined in Government Code section 6252, subdivision (d). “Public Records” includes email; text message; Slack channels; chat logs from Teams, Zoom, or Webex; or any other platform College officers, employees, or contractors use to conduct College business. “Public Records” includes every writing in the College’s actual or constructive possession — whether an original copy, draft or final version — known to the College and every such record the College can locate or discover with reasonable effort.

“Reasonable effort” includes communicating this request to the employees named above and asking them to search their own devices for responsive material. (*City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 627–628.)

“Writing” as defined in Government Code section 6252, subdivision (g) and Evidence Code section 250.

August 11, 2022

Page 3

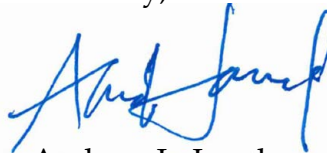
Within 10 days of receipt of this public records request, please notify us whether the College: (1) has records responsive to this request; (2) the page count and cost of copying the records and their availability in electronic format; and (3) the time required to provide the documents requested.

If public records responsive to this request are available in electronic format, please produce all responsive documents in electronic format even if the records are also available in paper format. If there are no records responsive to a particular category listed above, please confirm in writing that such records do not exist.

If you believe any responsive record is exempt from disclosure, please provide a detailed written explanation of the applicable exemption, including the name and title of the person who determined the record is responsive but exempt. If redaction or segregation of the exempt material is possible, you must produce the non-exempt portions of responsive public records with the exempt material redacted or omitted. Please note that article 1, section 3, subdivision (b)(2) of the California Constitution expressly requires you to broadly construe all provisions that further the public's right of access, and to apply any limitations on access as narrowly as possible.

If I can provide any clarification that will help you to expedite this request, please do not hesitate to contact me at (213) 542-5739 or AJared@chwlaw.us.

Sincerely,



Andrew L. Jared

# **EXHIBIT M**



**COLANTUONO**  
**HIGSMITH**  
**WHATLEY, PC**

ANDREW L. JARED | (213) 542-5739 | AJARED@CHWLAW.US

Our File No. 46023.0004

August 12, 2022

**VIA EMAIL AND U.S. MAIL**

Nicholas Robles  
Public Information Officer, Office of the  
Superintendent  
College of the Desert  
43500 Monterey Avenue  
Palm Desert, CA 92260  
NRobles@collegeofthedesert.edu

Stephen M. McLoughlin  
Atkinson, Andelson, Loya, Ruud, & Romo  
12800 Center Court Drive South, Suite 300  
Cerritos, California 90703-9364  
SMcLoughlin@aalrr.com

Re: Public Records Request: August 4, 2022 Virtual Community Forum

Dear Mr. Robles and Mr. McLoughlin:

I write pursuant to the Public Records Act, Government Code section 6250 et seq., to request all public records related to “programming” for the Palm Springs Development Project created since February 1, 2022.

On August 4, 2022, Dr. Christina Tafoya, Interim Executive Vice President of the College of the Desert (“College”), made the following statement during a virtual community forum:

“We have spent this period from about February to currently updating and building upon and, um, revising where necessary the previous plans for the Palm Springs campus, and we use our program faculty, staff, and administrators to inform what those spaces will look like and what the programming needs to be.”

---

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GRASS VALLEY | PASADENA | SACRAMENTO | SOLANA BEACH | SONOMA

August 12, 2022

Page 2

(See College of the Desert, *Virtual Community Forum - College of the Desert's Palm Springs Development Project-Phase 1* (Aug. 1, 2022) 52:35 min., at <<https://youtu.be/5awwAOSbveo>> (as of Aug. 8, 2022).)

In light of Dr. Tafoya's statement quoted above, please respond to the following two public records requests:

**First**, please produce all public records related to the College's identification of programming needs or development of programming for the Palm Springs Development Project; and

**Second**, please produce all public records related to the College's updating, building upon, or revising previous plans for the Palm Springs Development Project.

This request uses the following definitions:

"Palm Springs Development Project" means the campus planned for 2363 Tahquitz Canyon Way, Palm Springs, California, 92262, which was the subject of the virtual community forum the College held on August 4, 2022.

"Public Records" as defined in Government Code section 6252, subdivision (d). "Public Records" includes email; text message; Slack channels; chat logs from Teams, Zoom, or Webex; or any other platform College officers, employees, or contractors use to conduct College business. "Public Records" includes every writing in the College's actual or constructive possession — whether an original copy, draft or final version — known to the College and every such record the College can locate or discover with reasonable effort.

"Reasonable effort" includes communicating this request to the employees named above and asking them to search their own devices for responsive material. (*City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 627–628.)

"Writing" as defined in Government Code section 6252, subdivision (g) and Evidence Code section 250.

Within 10 days of receipt of this public records request, please notify us whether the College: (1) has records responsive to this request; (2) the page count and cost of copying the records and their availability in electronic format; and (3) the time required to provide the documents requested.

August 12, 2022

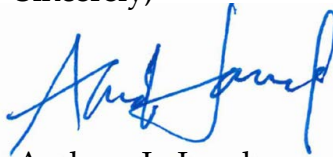
Page 3

If public records responsive to this request are available in electronic format, please produce all responsive documents in electronic format even if the records are also available in paper format. If there are no records responsive to a particular category listed above, please confirm in writing that such records do not exist.

If you believe any responsive record is exempt from disclosure, please provide a detailed written explanation of the applicable exemption, including the name and title of the person who determined the record is responsive but exempt. If redaction or segregation of the exempt material is possible, you must produce the non-exempt portions of responsive public records with the exempt material redacted or omitted. Please note that article 1, section 3, subdivision (b)(2) of the California Constitution expressly requires you to broadly construe all provisions that further the public's right of access, and to apply any limitations on access as narrowly as possible.

If I can provide any clarification that will help you to expedite this request, please do not hesitate to contact me at (213) 542-5739 or AJared@chwlaw.us.

Sincerely,



Andrew L. Jared

# **EXHIBIT N**

COLANTUONO  
HIGSMITH  
WHATLEY, PC

ANDREW L. JARED | (213) 542-5739 | AJARED@CHWLAW.US

Our File No. 46023.0004

August 15, 2022

VIA EMAIL AND U.S. MAIL

Nicholas Robles  
Public Information Officer, Office of the  
Superintendent  
College of the Desert  
43500 Monterey Avenue  
Palm Desert, CA 92260  
NRobles@collegeofthedesert.edu

Stephen M. McLoughlin  
Atkinson, Andelson, Loya, Ruud, & Romo  
12800 Center Court Drive South, Suite 300  
Cerritos, California 90703-9364  
SMcLoughlin@aalrr.com

Re: Public Records Request: August 4, 2022 Virtual Community Forum

Dear Mr. Robles and Mr. McLoughlin:

I write pursuant to the Public Records Act, Government Code section 6250 et seq., to request all public records exchanged between the domains @wrnsstudio.com and @collegeofthedesert.edu. (*Getz v. Superior Court* (2021) 72 Cal.App.5th 637, 650 [“Any e-mail between County personnel and any e-mail address utilizing the domains specified by Getz was responsive” and “not unduly burdensome”].)

This requests seeks electronic records. Any public records responsive to this request will be stored in electronic format. Therefore, the College must produce all responsive documents in their native electronic format. (Gov. Code, § 6253.9, subd. (a) [“any agency that has information that constitutes an identifiable public record not exempt from disclosure ... that is in an electronic format **shall** make that information available in an electronic format when requested by any person,” emphasis added].)

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790 E. COLORADO BOULEVARD, SUITE 850, PASADENA, CALIFORNIA 91101-2109 | (213) 542-5700

GRASS VALLEY | PASADENA | SACRAMENTO | SOLANA BEACH | SONOMA

August 15, 2022

Page 2

This request uses the following definitions:

“Constructive possession” as defined in *Anderson-Barker v. Superior Court* (2019) 31 Cal.App.5th 528.

“Public Records” as defined in Government Code section 6252, subdivision (d). “Public Records” includes email; text message; Slack channels; chat logs from Teams, Zoom, or Webex; or any other platform College officers, employees, or contractors use to conduct College business. “Public Records” includes every writing in the College’s actual or constructive possession — whether an original copy, draft or final version — known to the College and every such record the College can locate or discover with reasonable effort.

“Reasonable effort” includes communicating this request to the employees named above and asking them to search their own devices for responsive material. (*City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 627–628.)

“Writing” as defined in Government Code section 6252, subdivision (g) and Evidence Code section 250.

Within 10 days of receipt of this public records request, please notify us whether the College: (1) has records responsive to this request; (2) the page count and cost of copying the records and their availability in electronic format; and (3) the time required to provide the documents requested. If there are no records responsive to a particular category listed above, please confirm in writing that such records do not exist.

If you believe any responsive record is exempt from disclosure, please provide a detailed written explanation of the applicable exemption, including the name and title of the person who determined the record is responsive but exempt. If redaction or segregation of the exempt material is possible, you must produce the non-exempt portions of responsive public records with the exempt material redacted or omitted. Please note that article 1, section 3, subdivision (b)(2) of the California Constitution expressly requires you to broadly construe all provisions that further the public’s right of access, and to apply any limitations on access as narrowly as possible.

August 15, 2022  
Page 3

If I can provide any clarification that will help you to expedite this request, please do not hesitate to contact me at (213) 542-5739 or AJared@chwlaw.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew L. Jared". The signature is written in a cursive style with a large initial "A".

Andrew L. Jared

# **EXHIBIT O**



ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

12800 CENTER COURT DRIVE SOUTH, SUITE 300  
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SAN DIEGO  
(858) 485-9526

OUR FILE NUMBER:

005794.00003  
38230823.1

August 22, 2022

***VIA FIRST CLASS AND ELECTRONIC MAIL***

Andrew L. Jared  
Special Legal Counsel, City of Palm Springs  
Colantuono, Highsmith, Whatley, PC  
790 E. Colorado Boulevard, Suite 850  
Pasadena, CA 91101

**Re: College of the Desert Response to Public Records Act Request  
for Documents Related to “Development of College Campuses”**

Dear Mr. Jared:

As you know, our office represents the College of the Desert (“College”). We are in receipt of the following Public Records Act requests submitted by your firm on behalf of the City of Palm Springs (“City”):

- 1) The request dated August 15, 2022 seeking “all public records exchanged between the domains @wrnsstudio.com and @collegeofthedesert.edu.”
- 2) The request dated August 12, 2022 seeking documents related to the College’s August 4, 2022 virtual community forum (collectively, the “Requests”).

The College will address these Requests pursuant to the requirements of the Public Records Act (“PRA”) as set forth in California Government Code section 6250 et seq. This letter constitutes the College’s initial response to the PRA Request. Please forward all communication regarding this matter to my attention.

Upon receipt of a valid PRA request, the College must first determine if the documents requested are disclosable. (Government Code §6253(c).) This letter serves as the College’s notification of its determination pursuant to this Section. Please note that the PRA prohibits the College from releasing documents that are subject to various protections or when the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Government Code §6255.) Further, the PRA does not require the College to create a list or draft any document in response to a request. Instead, the College is only required to produce existing documents that are not protected or otherwise exempt from disclosure.

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

August 22, 2022

Andrew L. Jared


Page 2

The College is in the process of reviewing its public records to identify documents responsive to the Requests. Please note that both Requests will require the College to review multiple potential sources for documents, including several email accounts. Pursuant to Government Code section 6252(c), the District anticipates the documents will be collected and ready for review on or before November 18, 2022. Our office will provide further notification regarding the documents responsive to your Request and the cost for duplication if necessary on or before this date.

If you have any questions, or would like to discuss in further detail, please feel free to contact me.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A handwritten signature in black ink, appearing to read "Stephen M. McLoughlin". The signature is written in a cursive style with a large, stylized initial "S".

Stephen M. McLoughlin

cc: Dr. Christina Tafoya, Executive Vice President, College of the Desert  
Mr. Nicholas Robles, Public Information Officer, College of the Desert

# **EXHIBIT P**

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

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(858) 485-9526

OUR FILE NUMBER:

005794.00003  
38241026.1

August 23, 2022

***VIA ELECTRONIC MAIL***

Andrew L. Jared  
Special Legal Counsel, City of Palm Springs  
Colantuono, Highsmith, Whatley, PC  
790 E. Colorado Boulevard, Suite 850  
Pasadena, CA 91101

**Re: College of the Desert Response to Public Records Act Request  
for Documents Related to “Development of College Campuses”**

Dear Mr. Jared:

As you know, our office represents the College of the Desert (“College”). We are in receipt of the following Public Records Act requests submitted by your firm on behalf of the City of Palm Springs (“City”) seeking the following documents related to the College’s August 4, 2022 virtual community forum: 1) all communications set to or from any of the presenters between 4:30pm and 8:30 pm and 2) all questions or comments submitted to the College about the virtual community forum (the “Request”).

The College will address this Request pursuant to the requirements of the Public Records Act (“PRA”) as set forth in California Government Code section 6250 et seq. This letter constitutes the College’s initial response to the Request. Please forward all communication regarding this matter to my attention.

Upon receipt of a valid PRA request, the College must first determine if the documents requested are disclosable. (Government Code §6253(c).) This letter serves as the College’s notification of its determination pursuant to this Section. Please note that the PRA prohibits the College from releasing documents that are subject to various protections or when the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Government Code §6255.) Further, the PRA does not require the College to create a list or draft any document in response to a request. Instead, the College is only required to produce existing documents that are not protected or otherwise exempt from disclosure.

The College is in the process of reviewing its public records to identify documents responsive to the Requests. Please note that the Request will require the College to review multiple potential sources for documents, including the email accounts of the named participants. Pursuant to

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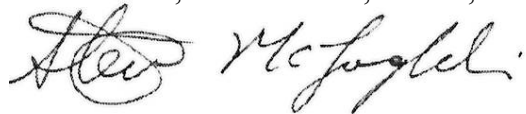
August 23, 2022  
Andrew L. Jared  
Page 2

Government Code section 6252(c), the District anticipates the documents will be collected and ready for review on or before November 18, 2022. Our office will provide further notification regarding the documents responsive to your Request and the cost for duplication if necessary on or before this date.

If you have any questions, or would like to discuss in further detail, please feel free to contact me.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A handwritten signature in cursive script, reading "Steve McLoughlin".

Stephen M. McLoughlin

cc: Dr. Christina Tafoya, Executive Vice President, College of the Desert  
Mr. Nicholas Robles, Public Information Officer, College of the Desert