



CITY HALL • 250 EAST L STREET • BENICIA, CA 94510 • (707) 746-4200 • FAX (707) 747-8120

March 26, 2021

Via Electronic Mail

Attn: Gregg Horton

Re: Notice of Extension on Response to Request for Public Records Received
3/16/2021

Dear Gregg Horton:

The City of Benicia (“City”) is in receipt of your email request seeking:

“Any emails, written communications, documents, contracts, presentations, or other communications between officials from the Benicia Police Department and officials from the company “Flock Safety.”

In your request, you further describe that this request includes:

“Benicia Police Department records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, and minutes of any meetings. The search should be limited to responsive records created between January 1, 2019 and the day the request is fulfilled.”

This letter shall serve as the City’s formal written response to your request under the California Public Records Act (Government Code section 6250 *et seq.*). A copy of your request is enclosed for reference.

The City wishes to cooperate to the fullest extent possible with the Public Records Act. Under established California law, the City is obliged to comply with a request for a public record so long as the requester makes a specific and focused request for information, that information is maintained by the City in its ordinary course of business, the information is disclosable, and the record can be located with reasonable effort. The Public Records Act provides for the inspection or copying of existing identifiable public records; it does not compel the City to create new records, lists, privilege logs, or reports in response to a request.

The City is required to determine whether the request, in whole or in part, seeks copies of disclosable public records. Pursuant to the California Public Records Act (Government Code §§6250 *et seq.*) Such determination must take place within ten (10) days of the City's receipt of the request, unless the requestor is advised that more time is needed.

However, pursuant to section 6253 of the California Government Code, the City may extend this time limit in order to determine the following:

- [] The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;
- [X] The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request;
- [] The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest;
- [] The need to compile data, to write programming language or a computer program, or to construct a computer report to extract;

Here, the City requires such an extension as allowed by Government Code Section 6253(c).

The City requires an extension of that deadline for an additional fourteen (14) days for the reason noted above. Accordingly, the City will respond to your request on or before April 9, 2021.

Also please be advised that the timelines for a response required under Benicia Municipal Code Chapter 4.12 were suspended on April 7, 2020, by Resolution No. 20-32, as staffing limitations severely impact the City's ability to timely respond to such requests. This suspension shall remain in effect until the termination of the declared state of emergency or until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Benicia. The City continues its commitment to governmental transparency and will continue to issue responses to requests pursuant to the requirements of the California Public Records Act.

If you have any questions about the City's response or would like to discuss your request, please feel free to contact me directly at 707-746-4200 or jbergstrom@ci.benicia.ca.us.

Sincerely,



Jennifer Bergstrom
Deputy City Clerk

Enc. California Public Records Act Request

cc: Benjamin Stock, City Attorney
Erik Upson, City Manager
Michael Greene, Police Chief
Lisa Wolfe, City Clerk
File

From: Jennifer Bergstrom
To: Jennifer Bergstrom
Subject: FW: California Public Records Act Request: Benicia Police Department: Flock Safety
Date: Friday, March 26, 2021 4:41:37 PM

From: 109813-60721929@requests.muckrock.com [mailto:109813-60721929@requests.muckrock.com]
Sent: Tuesday, March 16, 2021 8:16 PM
To: Ben Stock
Subject: California Public Records Act Request: Benicia Police Department: Flock Safety

Benicia Police Department
PRA Office
200 East L. Street
Benicia, CA 94510

March 16, 2021

To Whom It May Concern:

Pursuant to the California Public Records Act, I hereby request the following records:

Any emails, written communications, documents, contracts, presentations, or other communications between officials from the Benicia Police Department and officials from the company "Flock Safety."

We seek Benicia Police Department records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, and minutes of any meetings. The search should be limited to responsive records created between January 1, 2019 and the day the request is fulfilled.

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Gregg Horton

Filed via MuckRock.com

E-mail (Preferred): 109813-60721929@requests.muckrock.com

Upload documents directly: https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fbenicia-police-department-19519%252Fbenicia-police-department-flock-safety-109813%252F%252Femail%253DHmclaughlin%252540ci.benicia.ca.us&url_auth_token=AABuRYGfg02ZPkwcm_g37CE-nfE%3A1IMMe%3AomjnyEmPsjYo_pU7ynlR8BE-JBA

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 109813
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

