



**LARKSPUR-
CORTE MADERA
SCHOOL DISTRICT**

Board of Trustees: Beth Blair, Natalie Medved,
Amir Movafaghi, Eric Schmautz, Annie Sherman
Superintendent: Brett Geithman, Ed.D.

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September 20, 2023

VIA EMAIL ONLY

Matt Kirk
[REDACTED]

Re: Larkspur-Corte Madera School District's Response to September 13, 2023 Letter re Request for Recusal of Superintendent from Handling of July 23, 2023 CPRA Request

Dear Mr. Kirk:

This letter constitutes the Larkspur-Corte Madera School District's ("District") response to your correspondence, received by the District's Board of Trustees via email on September 13, 2023, wherein you requested that the Board recuse me from all involvement (reviewing, selecting, and redacting documents) in response to your July 13, 2023 California Public Records Act ("CPRA") Request. You contend that this action is necessary allegedly for eliminating perceived conflicts of interest, maintaining transparency, avoiding potential bias, and preserving trust. The Board has asked me to respond on its behalf.

The handling of CPRA requests is an administrative function that is specifically designated to the District's Superintendent or his designee. (Board Policy 1340 and Administrative Regulation 1340.) It is not a task that is within the scope of the Board's duties to handle. Furthermore, as you have acknowledged, there is no evidence that I have wrongfully handled your CPRA Request, nor is there any indication of an actual or perceived conflict of interest that would warrant my recusal from my assigned duty as the District official responsible for handling CPRA requests.

Moreover, there is no basis for your claim that I have been unresponsive to your Request. You contend in your correspondence that your request for Sara Ryba emails is "unfulfilled" and that you "have not received any responsive materials." However, what you fail to acknowledge is that you made two requests on June 23, 2023. One request asked for "all PRA (and FOIA if any) requests made to the district and their corresponding responses, including any attachments or documents associated with them, for the period of 2/1/17 to 6/23/23." That request *was* fulfilled as of August 22, 2023. Your second request asked for all emails including any attachments or documents associated with them sent or received between 1/1/17 and 6/23/23 that were exchanged between: Sara Ryba" and 18 different employees. The processing for *this* request is still ongoing.

In order to fulfill your first request for CPRA requests, the District's Information Technology Department conducted searches of its servers for all emails to and from Brett Geithman, Mary Anne O'Keeffe, Paula Rigney, Linda Tarantino, Nichole Urrea, and Eric vonBlankenburg (all of whom handled responses to CPRA requests), with the keywords "CPRA," "PRA," or "Public Records Act" for the period of January 1, 2017 and to June 23, 2023. There were 2,293 emails resulting from those searches. The emails were then reviewed to determine whether they were responsive to your request, selected for non-exempted records, and redacted for any exempt material. This resulted in my producing 353 pages of emails and attachments to you on August 22, 2023 via email.

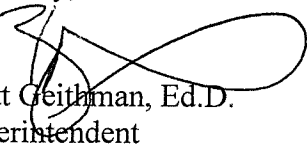
In order to fulfill your second request for Sara Ryba emails, the District's Information Technology Department conducted searches of its servers for all emails between Sara Ryba and the 18 employees you requested for the period of January 1, 2017 and to June 23, 2023. There were 4,427 emails resulting from those searches. These emails were again reviewed to determine whether they were responsive to your requests, selected for non-exempted records, and redacted for any exempt material. Yesterday, I produced an additional 734 pages of Sara Ryba emails for the period of January 1, 2017 to September 3, 2018 via email. There are still more than 3,000 emails and attachments left to review from this extremely broad request.

Please be advised that the CPRA does not set a restrictive timeline for the production of documents responsive to a request. Government Code Section 7922.535 states: "When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available." Implicit in Section 7922.535 is the understanding that public entities are permitted to have a reasonable amount of time to produce the records in response to a CPRA request. Once the disclosability determination has been made, any records not exempt from disclosure must be produced in a reasonable period of time. [See *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469, 483.] Our fulfillment of your request will continue to take a great deal of additional time, which, based upon the volume of records still necessary to review, process, and produce, is more than reasonable.

Moreover, I have been extremely transparent about what steps we have taken to fulfill your Request. I have informed you from the very beginning about what steps were taken to search for, identify, review, and process the documents in order to comply with your Request. You have been updated about the District's efforts in this regard on at least a monthly basis. I will continue to make great efforts to process and produce the records on as timely a basis as reasonably practicable.

Should you have any questions or concerns about any of the foregoing, please do not hesitate to contact me.

Sincerely,



Brett Geithman, Ed.D.
Superintendent