



OFFICE OF THE CITY ATTORNEY  
CITY OF SOUTH LAKE TAHOE

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June 10, 2019

To Applicants for South Lake Tahoe Cannabis Development Agreements:

As you may be aware, the City has received several Public Records Act requests for all of the applications received for cannabis development agreements. Subsequently, the City has received several requests from applicants to reject those Public Records Act requests in their entirety on the basis that the applications contain proprietary and confidential materials, including trade secrets and personal information.

As required by law, the City responds to Public Records Act requests in a timely manner and redacts any information not subject to disclosure under specific exemptions contained in the Public Records Act. My preliminary review of the applications indicates that while the applications may contain some information exempt from disclosure that may be redacted, the bulk of the applications are not confidential and are subject to disclosure under the Public Records Act. California's strong public policy in favor of disclosure of public records has resulted in courts consistently holding that when individuals or businesses voluntarily enter the public sphere, their privacy interests are diminished.

In an attempt to balance the City's duties under the Public Records Act with the privacy concerns of applicants, however, the City will provide the applicants a period of ten (10) days to file a request for a court order enjoining the City from releasing the application materials. See the "reverse Public Records Act" process described in *Marken v. Santa Monica-Malibu Unified School District*, 202 Cal. App. 4th 1250 (2012). If no such request for a court order is filed by June 21, then the City will proceed with releasing the application materials with any appropriate redactions, for example, under the trade secret privilege set forth in Government Code section 6254.15 and the privilege for certain personal financial data in Government Code section 6254(n).

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Heather L. Stroud", is written over a faint, larger version of the same signature.

Heather L. Stroud  
City Attorney

cc: Frank Rush, City Manager  
Susan Blankenship, City Clerk