



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL
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May 21, 2007

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Re: California Public Records Request April 27, 2007

Dear Mr. Fung:

Your letter of April 30, 2007, has been forwarded to me by Mr. Safer for a response.

On April 27, 2007, you received a letter from Mr. Edmond Morgan, MTA's Custodian of Records regarding your request for documents under the California Public Records Act. Mr. Morgan set forth MTA's position with regard to your request "to view and/or copy all internal documents relating to the proposed fare increase." Mr. Morgan's letter clearly explained the reasons why MTA would not be making its internal documents available.

Your most recent letter seeks a "signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed." As indicated above, MTA has already provided such a response.

In your April 30th letter, you raise several issues: the passage of Proposition 59, an analysis of Government Code (GC) Sections 6254(k), including your opinion on the issue of the deliberative process privilege and 6255. This letter will briefly respond to each of these areas.

Proposition 59 has not "significantly reduced the 'deliberative process privilege'." That is merely your point of view and MTA has a decidedly different opinion of the privilege, which is one of several protections that arise under the protection of GC Section 6254(k), which in turn permits MTA to withhold information from disclosure. As regards your opinion of GC Section 6255, the

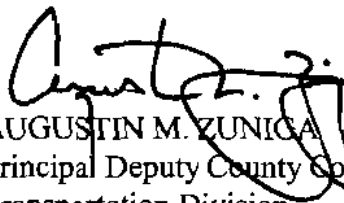
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mere fact that a newspaper publishes an article does not overcome MTA's analysis and assertion of the application of this section as a basis to withhold the documents you seek to review or copy.

MTA has already determined that the documents you seek are exempt from disclosure for the several reasons mentioned in Mr. Morgan's letter. Therefore, MTA will not be providing any follow-up or additional communications on this subject. Thank you for your inquiry on this subject.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 
AUGUSTIN M. ZUNIGA
Principal Deputy County Counsel
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AMZ:jb