

County of Tulare



Clerk of the Board

Jason T. Britt
County Administrative Officer
Clerk of the Board

Melinda Benton
Chief Clerk

November 18, 2019

Cheryl Schmit, Director
Stand Up For California
1-916-663-3207
caschmit@hughes.net

RE: Public Records Act Request

Dear Cheryl:

We are in receipt of your records request on November 13, 2019. Please be advised that nothing in this response should be considered as a waiver of the right of the County to assert any and all claims of exemptions or privileges to the inspection of the whole or any part of the records.

You have requested the following:

1. Please provide a copy of any Memorandum of Understanding or Intergovernmental Agreement between the Tule River Indian Tribe and the County of Tulare.
2. Specifically, any agreement that addresses the off reservation impacts of the proposed casino at the new Porterville site.
3. Please provide a copy of Tulare County's letter responding to the Bureau of Indian Affairs letter requesting comments on the two part determination process.

Records responsive to your request #1 and #2 do not exist. The County does not have a Memorandum of Understanding or any agreement with the Tule River Indian Tribe, specifically addressing the off reservation impacts of the proposed casino at the new Porterville site. Please note that under the Public Records Act, the County is not obligated to create records which do not exist. It only requires a public agency to provide records existing within its files. (See Govt. Code §§ 6252(e) and 6253(b); and *Rosenthal v. Hansen* (1973) 34 Cal.App.3d 754.

Records responsive to #3 are provided with this response.

Pursuant to *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, inadvertent disclosure of documents in response to Public Records Act requests do not waive attorney-client and work product privileges. If our office can be of further assistance, please contact the undersigned at (559) 636-5000 or by e-mail at hrobello1@co.tulare.ca.us.

Sincerely,

A handwritten signature in blue ink that reads "Hilary Robello".

Hilary Robello, Deputy Clerk
Clerk of the Board