

## LEGAL NOTICE

### TO:

Santa Cruz County Board of Supervisors  
Santa Cruz County Assessor-Recorder's Office  
Santa Cruz County Counsel  
Santa Cruz County Department of Information Services  
All Relevant County Officials

### DATE:

2/1/2025

**RE: Notice of Noncompliance with Assembly Bill 1785, Violation of the California Public Records Act, and Unlawful Restriction of Public Records Access – Demand for Immediate Remedial Action**

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## I. INTRODUCTION

This legal notice is served to inform Santa Cruz County ("the County") that its recent actions in response to Assembly Bill 1785 (AB 1785) not only exceed the limitations set forth by the statute but also constitute an unlawful, arbitrary, and overbroad restriction on public access to government records as guaranteed by the California Public Records Act ("CPRA") (Government Code §§ 6250–6276.48) and applicable constitutional provisions. Instead of implementing targeted measures to redact only those portions of the public records that relate to the home addresses or telephone numbers of elected or appointed officials—as expressly mandated by AB 1785 and as supported by the legislative findings—the County has, through a series of internally documented communications (including, but not limited to, emails from County officials such as Sheri Thomas, Jason Hoppin, and others), chosen to remove all public access to Assessor Parcel Number ("APN") lookups, while ironically, not actually accomplishing such in further demonstration of negligence.

This action is patently inconsistent with the statutory purpose of AB 1785, which is to protect personal privacy only to the extent required, while preserving full public access to public records for all other purposes.

Moreover, the County's approach—removing links from its Geographic Information Systems ("GIS") portal while leaving the underlying data available on internal systems and accessible via third-party commercial services—misleads the public and violates both the letter and the spirit of the law.

Further compounding the problem is the involvement of elected officials in directing these policies, which raises serious conflicts of interest and undermines both transparency and accountability in government decision-making.

The County's failure to adopt a less restrictive alternative (for example, by obtaining consent from those officials who wish to allow public posting and/or by implementing a selective redaction mechanism) subjects it to immediate legal liability under multiple state and federal laws.

The purpose of this notice is to (1) detail the factual background and legal basis for the claim that the County's implementation of AB 1785 is improper; (2) set forth the various statutory, case law, and

constitutional violations that result from the County's actions; (3) demonstrate that the actions are further tainted by improper influence and conflicts of interest among elected officials; and (4) demand the immediate restoration of proper public access to APN data and the adoption of a compliant, selective redaction system that protects the privacy of elected and appointed officials only as required by law. (5) make notice to all members of the public of such.

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## **II. FACTUAL BACKGROUND**

### **A. Overview of Assembly Bill 1785**

Assembly Bill 1785, as enacted and chaptered on September 25, 2024, amends Section 7928.205 of the Government Code. Under the amended provision, no state or local agency shall publicly post, on the internet, the home address, telephone number, or both the name and the assessor parcel number associated with the home address of any elected or appointed official without first obtaining that official's written permission.

In clarifying this statute, the Legislature expressly intended to (1) protect the personal safety and privacy of public officials and their families by preventing the easy conversion of APN data into physical addresses; (2) avoid blanket removals that impede public access to records; and (3) ensure that the public's right to inspect records, as guaranteed under the CPRA and the California Constitution (Cal. Const., art. I, § 3(b)(1)), remains robust. This includes but was not limited to :

#### **1. Avoiding Blanket Removals That Impede Access:**

AB 1785 was carefully drafted to avoid a wholesale removal of public records. Rather than eliminating access to all property-related information online, the amendment narrowly targets the aspect that could lead to a privacy breach. Public records—including those available through the county recorder or assessor during business hours—remain accessible. This ensures that transparency and the public's right to inspect governmental records under the California Public Records Act (CPRA) are not compromised.

By clarifying the scope of what may not be posted online, the Legislature intends to “avoid blanket removals” of databases that provide necessary public access to recorded documents (Digital Democracy).

#### **2. Preserving the Public's Constitutional Right to Access Records:**

The bill reinforces the public's right to inspect records as guaranteed by the CPRA and by the California Constitution (Cal. Const., art. I, § 3(b)(1)). In doing so, the Legislature ensures that while personal data of officials is protected, the mechanisms for public oversight and accountability of government operations remain robust. This careful balance is central to the bill's design—it protects individual privacy without unduly restricting access to governmental information.

Legislative documents note that the changes are “designed to ensure that the public's right to inspect records remains robust,” even while sensitive information is shielded (LegiScan).

### **Supporting Citations:**

- LegiScan’s detailed presentation of AB 1785 provides the full amended text of Section 7928.205 and outlines the legislative rationale behind the changes.
- An analysis from Digital Democracy on AB 1785 highlights that the bill specifically targets the loophole enabling APN data to be converted into physical addresses, emphasizing the need to protect public officials’ safety and privacy.
- Additional legislative context available in committee documents underscores that the bill was crafted with the dual objectives of protecting individual privacy and preserving constitutional access to public records.

## **B. Santa Cruz County’s Implementation of AB 1785 in Contrast**

Instead of adhering to a narrowly tailored approach that restricts only the specific data elements associated with elected or appointed officials, such as neighboring santa clara county, Santa Cruz County has taken the drastic measure of eliminating all public APN lookups via its GIS portal.

Internal county communications indicate that this decision was made without a thorough legal analysis with support from internal parties, or any attempt to obtain the requisite written permissions from public officials.

For example, emails from county personnel—purportedly including statements such as, “Since we cannot redact the recorded maps, we would have to remove the links” (attributed to a county official, e.g. Sheri Thomas)—demonstrate a clear misunderstanding of the statutory requirements.

Similarly, other internal emails show that other parties questioned the effect of such, stating that it would knowingly burden other governmental entities and the public.

These emails unequivocally confirm by omission that the County knew, or should have known, of the available legal alternatives yet chose to apply an indiscriminate and unlawful solution.

Furthermore, despite the removal of the public link, the underlying APN data remains stored on the County’s internal systems and is still accessible through commercial third-party services and openly online, including accessible to web searches.

This reality invalidates the County’s claim that the data has been “removed” from the internet and further undermines its argument that the measure was necessary for compliance.

The juxtaposition of removing a hyperlink with leaving the data intact creates a legal fiction designed to appease statutory mandates while not truly protecting the data as purported.

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## **III. LEGAL VIOLATIONS**

Santa Cruz County’s actions in response to AB 1785 implicate several legal violations under state law, constitutional guarantees, and federal legal standards. These include, but are not limited to:

### **A. Violations of the California Public Records Act (CPRA)**

- 1. Obligation to Provide Public Records**

The CPRA (Gov. Code §§ 6250–6276.48) mandates that all documents and writings of public agencies be made available for public inspection unless an express exemption applies. APN data, in this context, qualifies as a public record. By removing online access to this data entirely, the County has imposed a restriction that goes well beyond the limited scope intended by AB 1785. Instead of selectively redacting only the information that relates to the home addresses of elected or appointed officials, the County’s blanket removal violates the CPRA’s fundamental guarantee of public access. See, e.g., *CBS v. Block*, 42 Cal.3d 646 (1986). It clearly appears that this decision differs from other counties actions, and was directly influenced by affected county officials themselves, and or closely related parties.

- 2. Failure to Provide Notice and Adequate Access**

Government Code § 7922.545 requires that if a public record is posted on a website, the agency must direct the public to its location for inspection. The County’s removal of the public link while the data remains on internal systems open to the public through data links, and on public terminals without limitation served by “online” data, fails to meet the statutory obligation to provide reasonable public access during business hours. This not only violates the CPRA but also the spirit of open government principles entrenched in the California Constitution. Recent emails confirm the negligence of county employees as related to this extremely important nuance.

## **B. Violations of Government Code §§ 7928.205 and 7922.545**

AB 1785 amends Section 7928.205 to restrict the public posting of certain information about elected or appointed officials. However, the statute permits public agencies to post records if written permission has been obtained. By failing to pursue the available alternative of obtaining such permission, nor selectively redacting, Santa Cruz County has not only exceeded the statutory mandate but has also contravened Government Code § 7928.205(a) and (b), which provide a narrowly tailored exception for officials who consent to disclosure. This is further compounded by the County’s failure to abide by the statutory language that defines “publicly post” as an intentional communication on the internet in an unrestricted manner. The County’s actions thus represent an application of the law that is “overbroad and arbitrary.”

## **C. Constitutional Violations**

- 1. Due Process and Equal Protection**

The California Constitution guarantees the public’s right to access information concerning the conduct of government (Cal. Const., art. I, § 3(b)(1)). By indiscriminately removing online access to APN records and maps, Santa Cruz County has restricted this right in a manner that is neither narrowly tailored nor justified by a compelling state or local interest.

- 2.** This action violates the due process rights of citizens who rely on such data for purposes ranging from real estate transactions to governmental oversight. Furthermore, by treating public agencies differently from private data aggregators—who continue to provide access to APN data—the County may be subject to an equal protection challenge for imposing a burdensome regulation on the public while benefiting a select group of insiders, including it’s own officials,

employees, and closely related parties (IE ex-employees, ex-counsel, ex-officials, now in private practice and/or family members or close relationships).

### **3. First Amendment Concerns**

Although the primary focus of AB 1785 is to protect the privacy of public officials, the County's approach raises First Amendment concerns by impeding the free flow of information that is essential for democratic governance. As noted in cases such as *City of San Jose v. Superior Court* (2 Cal.5th 608 (2017)) and *Long Beach Police Officers Assn. v. City of Long Beach*, 59 Cal.4th 59 (2014), even when public records contain sensitive information, the remedy must be narrowly tailored. Santa Cruz County's failure to do so results in an unconstitutional blanket ban on access. Recent PRA responses indicate this is systemic in its nature, with far greater consequences than AB 1785 and county officials.

### **D. Failure to Adopt the Least Restrictive Means**

A cornerstone of administrative law is the "least restrictive means" principle. In this context, AB 1785 permits alternative methods of compliance such as selective redaction or the establishment of password-protected databases accessible only to those with a legitimate need for the information. Instead, Santa Cruz County has opted for the most extreme measure available—removing all public links to APN data—which is not only unnecessary but also legally indefensible given the availability of less restrictive alternatives. This approach directly contravenes the principle articulated in *Heller v. Doe*, 509 U.S. 312 (1993) wherein the courts have held that administrative actions must be narrowly tailored to serve the government interest without imposing undue burdens on the public.

Ironically, and in demonstration of the gross negligence of the parties involved, the removal of the links failed to actually remove the county's publication of data to the internet, where it feeds to title companies and others via electronic data interchange which is publicly accessible.

In other words, the county both failed to actually accomplish what it intended in removal of all data, which itself was highly improper.

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## **IV. ANALYSIS OF INTERNAL COMMUNICATIONS AND ADMINISTRATIVE INCOMPETENCE**

### **A. Evidence from County Emails**

Internal communications within Santa Cruz County, as evidenced by emails exchanged among county officials, reveal an alarming degree of administrative incompetence and disregard for the legal requirements imposed by AB 1785. For example:

- **Email from Sheri Thomas (Assessor's Office):**

In one email, Ms. Thomas stated, "Since we cannot redact the recorded maps, we would have to remove the links." This statement reflects a fundamental misunderstanding of both the statutory requirements and the technical capabilities available for targeted redaction. The law does not require the complete removal of all APN access; it only mandates that information linking an elected official's name with an assessor's parcel number be posted only with written permission. The failure to consider a selective redaction solution constitutes a clear departure from the legal mandate.

- **Email from Jason Hoppin (Communications Manager):**

Mr. Hoppin's emails further confirm or imply that the County was aware of alternative, legally acceptable methods of compliance. His inquiry indicates that there was an internal consensus that the blanket removal approach may have been damaging or excessive. Yet, no corrective measures were undertaken, further implicating the County in administrative negligence.

- **Other Internal Correspondence:**

Additional emails (as referenced in internal communications provided to us) reveal that county staff expressed concern about the implementation of the new policy, anticipating a significant increase in public inquiries and administrative burdens.

- These emails corroborate that the County's actions were taken without a full understanding of the technical and legal nuances of AB 1785, thereby exacerbating the adverse effects on public access to information, perhaps mis-advised by its own counsel and/or officials directly and personally affected, and or closely related parties to such.

## **B. Inconsistencies in the County's Representations**

Santa Cruz County has repeatedly claimed that the APN data has been "removed from the internet" in compliance with AB 1785.

However, as documented in our investigation and supported by the fact that the data remains on externally available computer systems and is available both on the county's web servers and then commercially linked through third-party commercial databases, freely available, such as onxmaps.com, the County's assertions are misleading.

The removal of a hyperlink from a public GIS portal does not equate to the removal of the underlying data from public access.

This discrepancy between the County's public statements and the actual status of the data constitutes a deceptive practice that undermines public trust and violates the fundamental principles of government transparency.

Ironically, the county is so incompetent, et-al, that it both damaged itself and other government agencies, while failing to actually accomplish what it improperly intended to do.

## **C. Administrative Overreach and the Lack of Proper Consultation**

By adopting a one-size-fits-all approach to removing APN access, the County has engaged in administrative overreach.

The statutory language of AB 1785, and clear intent, clearly provides for a mechanism whereby elected or appointed officials can choose to allow the public posting of their information through a formal opt-in process.

The County's failure to engage in any such consultation with the affected officials—not to mention its decision to bypass the available legal alternatives—demonstrates an unprincipled exercise of administrative power that fails to adhere to the requirement that any limitation on public records access be supported by findings demonstrating both the need for and the narrow tailoring of such limitations.

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## **V. CONFLICTS OF INTEREST AND IMPROPER INFLUENCE**

### **A. Elected Officials' Involvement in Policy Decisions**

The involvement of elected officials in influencing the decisions surrounding the implementation of AB 1785 is especially troubling. When elected officials participate directly in shaping policies that affect the disclosure of public records—policies from which they might derive a personal benefit—the risk of conflicts of interest becomes acute. In this case, not only did certain elected officials appear to advise on the implementation strategy, but their guidance appears to have been used to justify the blanket removal of APN data. This practice is contrary to the ethical standards set forth by the California Fair Political Practices Commission (FPPC), which explicitly prohibits public officials from engaging in activities where their personal interests might conflict with their official duties. See, for example, FPPC guidelines available on the FPPC website.

### **B. Role of County Counsel and Administrative Ethics**

County counsel, whose role is to provide impartial legal advice to county officials, has been implicated in the decision-making process without appropriate safeguards to prevent self-dealing. The legal opinion provided by county counsel—which seemingly supported a broad interpretation of AB 1785—has contributed to the County's overbroad implementation as expressly stated in disclosed internal emails.

Such a failure to maintain strict separation between legal advice and policy formulation undermines the integrity of the decision-making process and opens the door to subsequent legal challenges on the basis of improper influence and conflicts of interest. It further appears that other examples of such on unrelated matters are apparent, such as blanket PRA dismissals, and other self-dealing of officials and closely related parties.

### **C. Precedents and Legal Authorities on Conflicts of Interest**

In several cases, courts have held that the appearance of a conflict of interest is sufficient to disqualify a public official from participating in governmental decision-making. For instance, in *City of San Jose v. Superior Court*, 2 Cal.5th 608 (2017) the court emphasized that governmental actions must be free of any undue influence that might compromise their integrity. The County's failure to implement mechanisms to avoid such conflicts not only contravenes established legal standards but also threatens the legitimacy of the government's record-keeping functions.

The public's right to access records is fundamentally intertwined with the requirement for unbiased administrative action, and any taint of self-interest undermines this right. Amongst the most sacrosanct and fundamental core principles of governance is the identification of ownership, and taxation thereof, of real property, located within the boundaries of a county.

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## **VI. CROSS-COUNTY COMPARISONS AND POLICY ANALYSIS**

### **A. Comparative Approaches to AB 1785**

Several other California counties have responded to AB 1785 in a manner that balances the need to protect public officials' privacy with the imperative to preserve public access to records. For example:

- **Santa Clara County's Method:**

In contrast to Santa Cruz County's blanket removal, Santa Clara County has implemented processes and techniques that allow non-sensitive APN data to remain accessible online as of 2/1/2025

**B. Santa Cruz County's Uniquely Overbroad Action**

Santa Cruz County's decision to remove all online APN access—not merely the data pertaining to elected or appointed officials—is an anomaly when compared to other jurisdictions. The overbroad removal creates unnecessary administrative burdens, as it forces citizens, businesses, and public agencies to make in-person requests for information that should otherwise be readily available online. Moreover, by effectively abandoning the technological tools that facilitate efficient public access to governmental records, the County is impeding transparency and undermining its own accountability.

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## **VII. REMEDIES AND DEMANDS FOR IMMEDIATE COMPLIANCE**

In light of the foregoing, Santa Cruz County is hereby notified that it must immediately take remedial action to bring its policies into compliance with both the letter and the spirit of AB 1785 and the CPRA. The following steps are demanded:

**A. Immediate Restoration of Public Access**

1. **Reinstate Online APN Access:**

The County must immediately restore online access to APN data for all public records that do not fall within the exemption of elected or appointed officials' personal information. The restoration should be implemented in a manner that clearly delineates between records that are subject to the privacy protections of AB 1785 and those that are not.

2. **Selective Redaction Mechanism:**

In accordance with the statutory requirement, the County must develop and deploy a selective redaction system that allows elected or appointed officials to opt out of public disclosure of their APN data through a formal written process. This system should ensure that only the sensitive information for which permission has not been granted is redacted, while all other public records remain accessible.

**B. Obtaining Written Permission Where Appropriate**

1. **Consultation with Affected Officials:**

The County must immediately engage with all elected and appointed officials to determine whether any of them wish to provide written permission for their APN data to be publicly posted. Such consultations must be documented and the resulting consents maintained in the County's records.

2. **Transparent Public Process:**

The County must publish a clear and accessible notice on its website explaining the process by



which elected officials may either opt in or opt out of the public posting of their personal APN data. This notice should include the legal basis for the process, reference to AB 1785, and instructions for submitting written permission.

### **C. Ceasing the Misleading Practice of “Removal” Claims**

**1. Clarification of Data Availability:**

The County must immediately issue a public clarification that the removal of hyperlinks from the GIS portal does not equate to the removal of the underlying APN data from public systems. It must acknowledge that the data remains accessible through internal channels and third-party services.

**2. Corrective Communication:**

A formal retraction and correction of any previous statements or public communications that misrepresented the status of the APN data must be issued. This communication should explain the distinction between removing a hyperlink and actually removing data from the internet, and it must reaffirm the public’s right to access records.

### **D. Policy and Administrative Reforms**

**1. Internal Review of Administrative Processes:**

The County must conduct an immediate internal audit of its decision-making processes related to the implementation of AB 1785. This audit should focus on identifying any instances of improper influence or conflicts of interest involving elected officials or county counsel. The findings of this audit must be made available to the public.

**2. Revised Policy Guidelines:**

Based on the audit’s recommendations, the County must develop revised policy guidelines that ensure compliance with AB 1785, the CPRA, and all applicable constitutional and administrative law standards. These guidelines should adopt a framework that prioritizes the least restrictive means of compliance and provides clear procedures for obtaining the necessary written permissions from public officials.

**3. Training for County Staff:**

In order to prevent future misinterpretations of legal mandates, the County must implement comprehensive training for all relevant county staff on the requirements of AB 1785, the CPRA, and the proper methods for handling sensitive public records.

### **E. Legal and Equitable Relief**

Should the County fail to take the remedial actions outlined above, members of the public, reserve the right to pursue all available legal remedies, including but not limited to:

- **Filing a Mandamus Petition:**

A petition for mandamus to compel the County to restore public access to the APN data and to implement a compliant redaction system.

- **Civil Litigation:**

Filing a civil lawsuit seeking injunctive relief, statutory penalties, and any appropriate damages

for the unlawful denial of public records access and the associated administrative burdens imposed on citizens and businesses.

- **Administrative Complaints:**

Submitting complaints to state agencies charged with enforcing the CPRA and other relevant statutes, as well as to the FPPC regarding conflicts of interest and unethical conduct by elected officials and county counsel.

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## **VIII. LEGAL ANALYSIS: WHY THE CURRENT PRACTICE IS ILLEGAL**

### **A. Statutory Interpretation of AB 1785**

The legislative history of AB 1785 clearly indicates that its purpose is to protect the personal safety and privacy of public officials by ensuring that only those individuals who consent to the public posting of their personal information have it posted online. The specific language of Section 7928.205(a) emphasizes that no state or local agency shall post the sensitive information without written permission. By removing all APN data from public online access, Santa Cruz County has not only exceeded the statutory limitation but has also disregarded the legislative intent to allow for lawful posting when consent is obtained.

### **B. Precedents Supporting the Restoration of Access**

1. **CBS v. Block, 42 Cal.3d 646 (1986):**

In *CBS v. Block*, the court held that governmental agencies must not impose restrictions on public records beyond those expressly provided by statute. Santa Cruz County's blanket removal of APN access clearly imposes an additional restriction that is unsupported by any statutory mandate.

2. **Sierra Club v. Superior Court, 57 Cal.4th 157 (2013):**

This case reinforces the principle that government data stored electronically remains subject to public records disclosure, regardless of changes in the mode of access. The County's action of removing public hyperlinks while leaving the data intact violates this principle.

3. **City of San Jose v. Superior Court, 2 Cal.5th 608 (2017):**

The court in this case underscored the importance of narrowly tailoring any limitation on public access to records, thereby supporting the argument that a blanket removal is unconstitutional when less restrictive alternatives exist.

4. **Long Beach Police Officers Assn. v. City of Long Beach, 59 Cal.4th 59 (2014):**

This decision clarifies that even when redaction is necessary, it must be done selectively and with precision. The County's failure to implement a system of selective redaction falls short of this legal standard.

### **C. Analysis of Administrative Errors and Misrepresentations**

The internal emails and communications reveal that the County was fully aware of the alternatives to blanket removal but chose not to pursue them due to either administrative haste or an unwillingness to invest in a more nuanced solution. Such actions are not only legally unsound but also indicative of a

broader pattern of administrative mismanagement that may warrant further investigation by state oversight bodies.

#### **D. Conflicts of Interest and Ethical Violations**

As discussed in Section V above, the involvement of elected officials in determining the scope of the removal raises serious questions of conflicts of interest. The FPPC guidelines require that public officials refrain from actions that might benefit their personal interests at the expense of the public. By influencing the policy in a manner that results in a more restrictive and less transparent system, the County has breached these ethical standards. The resulting conflict not only taints the decision-making process but also exposes the County to potential legal sanctions on both state and federal grounds.

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### **IX. CONCLUSION AND DEMAND FOR COMPLIANCE**

Santa Cruz County's implementation of AB 1785—by unilaterally and indiscriminately removing all public APN lookups—is both legally indefensible and administratively imprudent. The County's actions violate the CPRA, conflict with the narrowly tailored mandate of AB 1785, and infringe upon the constitutional rights of California citizens. Moreover, the decision-making process that led to this overreach is marred by internal miscommunications, a failure to adopt the least restrictive means, and improper influence by elected officials who should instead be recusing themselves from such decisions.

**Accordingly, we demand that Santa Cruz County take the following immediate corrective actions:**

- 1. Restore Online APN Access:**

Re-establish online public access to APN data for records not subject to the privacy exemption. This restoration must be implemented immediately and accompanied by a clear explanation that only data pertaining to elected or appointed officials will be subject to selective redaction following a formal written consent process.

- 2. Implement a Selective Redaction System:**

Develop and deploy a system that allows for the selective redaction of sensitive APN data. This system should permit elected and appointed officials to provide written permission for the public posting of their data and ensure that only the sensitive information (i.e., the combination of name and APN that can reveal a home address) is withheld when such permission is not granted.

- 3. Issue a Public Clarification:**

Provide a prompt public statement clarifying that the removal of online hyperlinks from the GIS portal does not equate to the removal of the underlying data from public access, and correct any misleading representations that have been made in this regard.

- 4. Conduct an Internal Audit:**

Initiate a full internal audit of the administrative decisions that led to the blanket removal of APN data, including a review of all communications involving county officials and elected representatives. The audit findings should be made public and used to institute policy reforms that ensure future compliance with AB 1785 and the CPRA.

5. **Address Conflicts of Interest:**

Reassess the role of elected officials and county counsel in the decision-making process regarding public records access. Implement measures to ensure that future policy decisions are made in accordance with established ethical guidelines and that any potential conflicts of interest are fully disclosed and mitigated.

Failure to comply with these demands will leave us no choice but to pursue all available legal remedies, including filing a mandamus petition, initiating civil litigation for injunctive relief and statutory penalties, and filing complaints with relevant state oversight bodies.

In summary, Santa Cruz County must immediately reverse its overbroad and unlawful removal of online APN access and adopt a measured, legally compliant approach that protects public officials' privacy only to the extent required by law while preserving the public's unimpeded right to access governmental records.

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**XI. DEMAND FOR RESPONSE**

You are hereby required to provide a written response within ten (10) business days from the date of service of this notice, detailing the steps that will be taken to restore compliance with AB 1785 and the CPRA. Failure to respond within the stipulated time period will be interpreted as a refusal to comply with the statutory and constitutional requirements, and we will proceed with the appropriate legal actions without further notice.

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**XII. APPENDICES AND SUPPORTING DOCUMENTATION**

The following documents are hereby incorporated by reference as part of this notice:

1. **Internal Email Communications:**

Copies of emails from county officials (including Sheri Thomas and Jason Hoppin) demonstrating the County's decision-making process and misrepresentations regarding the removal of APN access.

2. **Comparative Policy Statements from Other Counties:**

Documents and published statements from Ventura County and Santa Clara County showing their selective, targeted approach to implementing AB 1785 in contrast to the County's blanket removal.

3. **Statutory and Case Law Citations:**

Relevant portions of the Government Code, the CPRA, and decisions in cases such as *CBS v. Block* (42 Cal.3d 646 (1986)), *Sierra Club v. Superior Court* (57 Cal.4th 157 (2013)), *City of San Jose v. Superior Court* (2 Cal.5th 608 (2017)), and *Long Beach Police Officers Assn. v. City of Long Beach* (59 Cal.4th 59 (2014)) are appended as exhibits to support the legal analysis herein.

4. **Legislative History of AB 1785:**

Copies of the legislative counsel's digest and committee analysis documents for AB 1785, demonstrating the narrow tailoring intended by the Legislature.

5. **Public Communications and Notices Issued by the County:**

Printed copies and screenshots of the County's public website and other communications that inaccurately claim that APN data/maps of record, as per GIS and otherwise, has been removed from the internet or "online".

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**XIII. CONCLUDING REMARKS**

In conclusion, the actions taken by Santa Cruz County represent a clear departure from the statutory mandates and constitutional principles that govern public records access in California.

The decision to attempt to remove all online APN access without pursuing the legally available alternative of selective redaction or obtaining written permission from elected officials is not only arbitrary and overbroad but also a violation of the public's right to inspect and obtain government records. Moreover, the county didn't actually accomplish what it intended, it only made it possible for knowledgeable parties to access such information on its public facing .gov web servers, including as of and up-to 2/1/2025. Future decision to redact or restrict such further, or fail to restore link to such where no privilege exists to do so in compliance with state and federal law, while in possession of this notice, has significant and wide-reaching systemic and personal implications on the county, its officials, counsel, and employees.

Santa Cruz county's approach imposes a knowingly unnecessary burden on citizens, businesses, and other governmental entities while simultaneously failing to provide the intended privacy protection for public officials, continuing to publish and supply such information online to informed members of the public

Furthermore, the involvement of elected officials in directing this policy – and those surrounding PRA requests generally—despite clear alternatives and established legal requirements—raises serious ethical questions and creates conflicts of interest that further undermine the legitimacy of the County's actions. The misleading representations regarding the removal of data (as opposed to merely the removal of a hyperlink) exacerbate the issue, creating a facade of compliance while the data remains fully accessible through other means.

We trust that this notice, along with the supporting documentation, will prompt an immediate and thorough review of the County's policies. We demand that Santa Cruz County take all necessary steps to restore proper access to public records in a manner that is consistent with AB 1785, the CPRA, and the fundamental principles of transparency and accountability. Failure to do so will compel us to seek relief through all available legal channels.

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**XIV. ADDITIONAL LEGAL ANALYSIS AND FUTURE IMPLICATIONS**

**A. Broader Policy Implications**

Santa Cruz County's overbroad approach not only harms the immediate interests of the public and elected officials but also sets a dangerous precedent. If unchecked, such administrative overreach could erode the very foundations of open government in California, resulting in increased bureaucratic

inefficiencies, greater administrative costs, and a diminished public trust in government institutions. The blanket removal of APN access undermines decades of legal precedent that supports the public's right to access governmental records and diminishes the effectiveness of modern digital systems that facilitate transparency and accountability.

## **B. Potential for Systemic Legal Challenges**

Should the County fail to remedy its actions promptly, it is anticipated that a coalition of affected parties—including private entities, concerned citizens, and even public officials—may initiate legal challenges. These challenges could take several forms:

- **Mandamus Petitions:**  
A petition for mandamus could be filed to compel the County to restore the public's access to APN data and to implement a selective redaction system that complies with both AB 1785 and the CPRA.
- **Civil Rights and Due Process Lawsuits:**  
Affected parties may file lawsuits alleging violations of the public's constitutional rights, including due process and equal protection under the law. Such litigation could potentially result in significant injunctive relief and statutory penalties.
- **Administrative Complaints:**  
Complaints may be lodged with state oversight bodies and agencies tasked with enforcing the CPRA and ensuring governmental transparency. These complaints could lead to investigations that further expose the County's administrative missteps and conflicts of interest.

## **C. Future Administrative Reforms**

The remedial measures demanded in this notice are not only essential for immediate compliance but also for the long-term reformation of County policies. Future administrative reforms should include:

- **Establishment of a Permanent Review Mechanism:**  
The County should create an independent review board tasked with overseeing all changes to public records policies. This board should include members from the public, legal experts, and representatives from affected industries to ensure that policy changes are balanced and legally compliant.
- **Enhanced Training and Oversight:**  
County employees involved in the management of public records should receive regular training on the CPRA, AB 1785, and the principles of administrative law. Furthermore, an oversight mechanism should be put in place to monitor compliance with these laws on an ongoing basis.
- **Regular Public Reporting:**  
The County should commit to regular, transparent reporting on the status of public records access, including any modifications to the system, the number of records requested, and the measures taken to protect sensitive data. Such reporting will help rebuild public trust and ensure accountability in the management of public records.

## **D. Importance of Preserving Technological Capabilities**

The evolution of digital information systems has dramatically enhanced the public's ability to access government records. By removing online APN access entirely, Santa Cruz County not only contravenes statutory requirements but also forgoes the benefits of modern technology. A balanced approach that leverages technology to provide robust public access while safeguarding sensitive information is essential. The County must recognize that the digital age demands innovative solutions—such as selective redaction and secure, permission-based access—to reconcile privacy concerns with the public's right to information.

#### **E. Ethical and Governance Considerations**

The role of elected officials and county counsel in shaping policies that affect public records must be scrutinized under strict ethical standards. The County's approach in this instance has blurred the line between private interest and public duty. It is imperative that all officials involved in policy decisions concerning public records recuse themselves when there is a potential conflict of interest. Transparency in governance is not merely a statutory requirement but a cornerstone of democratic accountability. The County must therefore adopt robust conflict-of-interest policies and enforce strict recusal protocols to prevent future abuses.

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### **XV. PRAYER FOR RELIEF**

Based on the foregoing, the people, respectfully prays for the following relief:

- 1. Immediate Restoration:**

An immediate order directing Santa Cruz County to restore public online access to APN data for all records not subject to the privacy exemption provided in AB 1785.

- 2. Selective Redaction Implementation:**

A declaratory and injunctive relief requiring the County to develop, implement, and maintain a selective redaction system that complies with AB 1785 and permits elected or appointed officials to provide written permission for the public posting of their sensitive data.

- 3. Correction of Misleading Statements:**

An order mandating the County to issue public corrections clarifying that the underlying APN data remains available and that the removal of hyperlinks does not constitute removal of public records.

- 4. Audit and Policy Reform:**

An order directing the County to conduct a full internal audit of its decision-making process, particularly the involvement of elected officials and county counsel in policy decisions, and to adopt remedial measures to prevent future conflicts of interest and administrative overreach.

- 5. Costs and Attorney's Fees:**

A determination that the County be held liable for all costs, including reasonable attorney's fees, incurred by [Your Name or Your Organization] in enforcing these rights and remedies.

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### **XVI. CONCLUSION**

In summary, the actions taken by Santa Cruz County in response to AB 1785 appear to be in clear violation of state and federal law. By adopting an overbroad measure that intends to remove all online APN referenced maps and data, while not actually accomplishing such goal, rather than implementing a narrowly tailored, consent-based redaction mechanism, the County has restricted the public's right to access governmental records, as guaranteed by the CPRA and the California Constitution.

Due to its failure to accomplish such, it simultaneously, is in violation of AB 1785 continuing to make such available, despite no link directly to such, through its GIS systems and .Gov server addresses.

This overreach is further compounded by misleading public statements and the improper involvement of elected officials in the decision-making process—practices that expose the County to substantial legal liability. The county was noticed of such, and chose not to comply with a PRA regarding such.

We trust that the County will give this matter the urgent attention it deserves and take the necessary steps to correct its course. A publicly posted, written response detailing your plan for remediation is requested and will be subject to further PRA.

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Respectfully submitted,

Members of the public

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#### CITATIONS

- California Public Records Act, Government Code §§ 6250–6276.48.
- Government Code § 7928.205 (as amended by AB 1785) and § 7922.545.
- California Constitution, Article I, Section 3(b)(1).
- *CBS v. Block*, 42 Cal.3d 646 (1986)
- *Santa clara county webserver and GIS*

[trackbill.com](http://trackbill.com)

- .
- *Sierra Club v. Superior Court*, 57 Cal.4th 157 (2013)

[trackbill.com](http://trackbill.com)

- .
- *City of San Jose v. Superior Court*, 2 Cal.5th 608 (2017)

[trackbill.com](http://trackbill.com)

- .
- *Long Beach Police Officers Assn. v. City of Long Beach*, 59 Cal.4th 59 (2014)



[trackbill.com](http://trackbill.com)

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- Legislative materials and committee analyses for AB 1785, as referenced in

[leginfo.legislature.ca.gov](http://leginfo.legislature.ca.gov)

and

[calmatters.digitaldemocracy.org](http://calmatters.digitaldemocracy.org)

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## **XIX. NOTICE OF RIGHT TO SEEK LEGAL RELIEF**

This document constitutes formal notice of Santa Cruz County's noncompliance with AB 1785 and the CPRA. It is intended to provide Santa Cruz County with an opportunity to correct its course and restore compliance without the need for judicial intervention. However, if the County fails to act in accordance with the demands set forth herein, Members of the public, will have no alternative but to pursue all legal remedies available under state and federal law.

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*This notice is submitted without prejudice to any and all rights and remedies available to Members of the public under applicable law, and nothing contained herein is intended as a waiver of any such rights or remedies.*

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*End of Notice*

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*This legal notice is provided for informational purposes and should not be construed as legal advice by any party, group or entity. Consult with legal counsel regarding the interpretation and application of these legal principles in any specific matter.*