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7 *Exempt From Filing Fees Pursuant to Gov't Code § 6103*

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

11 ASSOCIATION OF ORANGE COUNTY
DEPUTY SHERIFFS,

12 Plaintiff/Petitioner,

13 v.

14 FRANK KIM, Orange County Executive
15 Officer; COUNTY OF ORANGE, State of
16 California; BOARD OF SUPERVISORS,
County of Orange, DOES 1 through 10,
17 inclusive,

18 Defendants/Respondents.

19 FLASHREPORT,

20 Real Party in Interest.

) Case No. 30-2016-00832263-CU-WM-CJC
) ASSIGNED FOR ALL PURPOSES TO
) JUDGE CRAIG GRIFFIN, C-17

) **DECLARATION OF JEAN PASCO IN**
) **SUPPORT OF COUNTY**
) **RESPONDENTS' OPPOSITION TO EX**
) **PARTE APPLICATION FOR A**
) **TEMPORARY RESTRAINING ORDER**

) [Filed concurrently with County
) Respondents' Opposition to Ex Parte
) Application for a Temporary Restraining
) Order; Memorandum Of Points and
) Authorities in Support Thereof; and
) Declaration of Steven Berliner]

) DATE: January 29, 2016
) TIME: 8:30 A.M.
) DEPT.: C-17

) Action Filed: January 27, 2016
) Trial Date: TBD

24 I, JEAN PASCO, declare:

25 1. I am the Public Information Manager for the County of Orange. I have personal
26 knowledge of the following, except where I have indicated my knowledge is based upon
27 information and belief, and would and could testify competently thereto.

28 //

1 2. As Public Information Manager, I work for the County Executive Office. My
2 duties include receiving and responding to requests for documents made pursuant to the
3 California Public Records Act (“CPRA”), Government Code section 6250, et seq.

4 3. I began my current position as Public Information Manager in October 2013, after
5 transferring from my previous position as Director of the Orange County Archives, a division of
6 the Orange County Clerk-Recorder Department.

7 4. Prior to becoming a County employee in 2006, I spent 26 years as a reporter for
8 various publications, including the Los Angeles Times, the Orange County Register, the San
9 Clemente Sun-Post and the Prescott [AZ] Courier. In my career as a journalist, I became very
10 familiar with the CPRA and the federal Freedom of Information Act (“FOIA”), which I used
11 frequently to obtain information from public agencies. I have 26 years of experience with and
12 knowledge of the circumstances and allowable exemptions for the release of public documents.
13 I also was involved in a handful of cases where the publications for which I worked brought
14 actions pursuant to the CPRA and FOIA for access to records that I had requested and was
15 denied for stories I was researching.

16 5. On Monday, January 18, at 9:45 a.m., I received an email in my County email box
17 requesting documents pursuant to the CPRA from Kasey Reinitz, executive assistant at the Flash
18 Report, an online publication and blog. The email requested “the status and all documents of all
19 negotiations, offers and counteroffers, supposals, formal or informal between the County of
20 Orange and the Association of Orange County Deputy Sheriff’s (sic).” A true and correct copy
21 of that January 18, 2016 email is attached hereto as Exhibit “A.”

22 6. Because January 18, 2016, was a County holiday (Martin Luther King Day), I
23 responded to the requester on Tuesday, January 19, 2016, at 9:23 a.m. that I would check with
24 HRS [Human Resource Services] to determine what responsive records we had, and that I would
25 get back to her. I then followed County protocol to alert my supervisors and others to the
26 request. A true and correct copy of my email response is attached hereto as Exhibit “B.”

27 7. As of the date of the request, we were able to locate responsive records that we
28 were intending to release on January 29, 2016, which is the deadline for our initial response.

1 These records consist of two Association of Orange County Deputy Sheriffs (“AOCDS”)
2 proposals for a salary reopener and a net pay survey. I am informed and believe that AOCDS
3 was informed, through counsel, that the release would occur on that date unless the County was
4 enjoined from releasing the records.

5 8. The January 18 CPRA request from the Flash Report was actually the fourth
6 CPRA request for records pertaining to labor negotiations that I have received while acting as
7 Public Information Manager for the County of Orange. In the other three instances, all
8 involving records relating to negotiations with the Orange County Employees Association
9 (“OCEA”), the records were provided to all requesters.

10 9. For example, on December 21, 2015, at 8:53 a.m., I received a CPRA request from
11 Kathy Moran, a former County employee, for the proposals and counterproposals that the
12 County and OCEA exchanged in 2015 resulting in the 2015-18 OCEA Memorandum of
13 Understanding, which was slated for approval by the Board of Supervisors during a special
14 Board meeting scheduled for December 23, 2015. I provided the records requested to Ms.
15 Moran on December 22, 2015, in four separate emails totaling 40 MB of data. The records
16 consisted of 32 proposals and counterproposals as well as a copy of the signed negotiation
17 ground rules between the County and OCEA.

18 10. In addition, on December 24, 2015, I received a telephonic request from Jennifer
19 Muir, OCEA’s general manager, for the OCEA documents provided to Kathy Moran. I
20 provided the documents to Ms. Muir on December 24, 2015.

21 11. Finally, on December 29, 2015, I received an email request for those same OCEA
22 records from Meghann Cuniff, a reporter with the Orange County Register. I provided the
23 documents to Ms. Cuniff on December 29, 2015.

24 12. In my experience dealing with records requests pursuant to the CPRA, these types
25 of records pertaining to labor negotiations are public documents that are subject to disclosure. I
26 could find no applicable exemption under the law that would justify withholding these records,
27 which is why, after extensive discussion with County Counsel, I readily disclosed the OCEA
28 records on the three prior occasions described above. It is for these very same reasons that I

1 believe the records sought by the Association of Orange County Deputy Sheriffs in this instance
2 are public documents that are also subject to disclosure. I could find no applicable exemption
3 under the law for withholding these records.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6 Executed this 28th day of January, 2016, in Santa Ana, California.

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10 Jean Pasco, Declarant
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EXHIBIT

A

EXHIBIT A

Pasco, Jean

From: K Reinitz <Kasey@FlashReport.org>
Sent: Monday, January 18, 2016 9:45 AM
To: Pasco, Jean
Subject: Reoccurring Public Records Act Request

Hello Jean,

I'm Jon Fleischman's assistant. He has asked me to submit the following request to the County of Orange on a weekly basis. He told me that we should send this to you. Please let me know if you need anything else or need any clarification.

The request is that you send us the status and all documents of all negotiations, offers and counteroffers, supposals, formal or informal between the County of Orange and the Association of Orange County Deputy Sheriff's.

Thank you,
Kasey Reinitz

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Kasey Reinitz
Executive Assistant | [FlashReport](#)
4040 MacArthur Blvd., Suite 200 | Newport Beach, CA 92660
W. 949-205-1611 | F. 949-205-1599 |

CONFIDENTIALITY NOTICE: This email is intended only for its addressee and may contain information that is privileged, confidential, or otherwise protected from disclosure. If you have received this email message in error, please immediately delete this email transmission and notify us by telephone of this error.

EXHIBIT

B

EXHIBIT B

Pasco, Jean

From: Pasco, Jean
Sent: Tuesday, January 19, 2016 9:23 AM
To: 'K Reinitz'
Subject: RE: Reoccurring Public Records Act Request

Hi Kasey.
I'll check with HRS to determine what sort of records we have with AOCDS.
I'll get back to you.

From: K Reinitz [mailto:Kasey@FlashReport.org]
Sent: Monday, January 18, 2016 9:45 AM
To: Pasco, Jean
Subject: Reoccurring Public Records Act Request

Hello Jean,

I'm Jon Fleischman's assistant. He has asked me to submit the following request to the County of Orange on a weekly basis. He told me that we should send this to you. Please let me know if you need anything else or need any clarification.

The request is that you send us the status and all documents of all negotiations, offers and counteroffers, supposals, formal or informal between the County of Orange and the Association of Orange County Deputy Sheriff's.

Thank you,
Kasey Reinitz

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PROOF OF SERVICE

I declare that I am a citizen of the United States employed in the County of Orange, over 18 years old and that my business address is 333 West Santa Ana Boulevard, Suite 407, Santa Ana, California 92701; and, my email address is marz.lair@coco.ocgov.com. I am not a party to the within action.

On January 28, 2016, I served the foregoing **DECLARATION OF JEAN PASCO IN SUPPORT OF COUNTY RESPONDENTS' OPPOSITION TO EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER** on all other parties to this action in the following manner:

(BY ELECTRONIC SERVICE) Pursuant to California Rules of Court, rule 2.251(c)(2), I caused an electronic version of the document(s) to be sent to the person(s) listed below.

(BY U.S. MAIL) I placed such envelope(s) addressed as shown below for collection and mailing at Santa Ana, California, following our ordinary business practices. I am readily familiar with this office's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

(BY FACSIMILE) I caused such document to be telefaxed to the addressee(s) and number(s) shown below, wherein such telefax is transmitted that same day in the ordinary course of business.

(BY PERSONAL SERVICE) I caused such envelope(s) to be hand-delivered to the addressee(s) shown below.

(BY ELECTRONIC SERVICE) Based on an agreement of the parties to accept electronic service, I caused the document to be sent to the persons at the electronic addresses listed below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: January 28, 2016



Marzette L. Lair

NAME AND ADDRESS TO WHOM SERVICE WAS MADE

Adam E. Chaikin, Esq. OLINS RIVIERE COATES AND BAGULA, LLP 2214 Second Avenue San Diego, CA 92101 Tel.: (619) 272-4235 Facsimile: (619) 272-4309 Email: chaikin@orcblawfirm.com	Attorneys for Plaintiff/Petitioner, Association of Orange County Deputy Sheriffs
Craig P. Alexander, Esq. Law Ofc Craig P Alexander 24681 La Plaza Ste 250 Dana Point, CA 92629 Phone Number: (949) 481-6400 Fax Number: (949) 242-2545 e-mail: cpalexander@cox.net	Attorney for Real Party in Interest, FlashReport