



November 28, 2012

*Via electronic and United States mail*

California Emergency Management Agency  
3650 Schriever Ave  
Mather, CA 95655  
[PRA@calema.ca.gov](mailto:PRA@calema.ca.gov)

Re: Public Records Act Request regarding unmanned aerial systems

Dear Public Records officer,

The American Civil Liberties Union of Northern California submits the following request for records relating to unmanned aerial surveillance systems, commonly referred to as “drones.” This request is made pursuant to the California Public Records Act (PRA), and Article I § 3(b) of the California Constitution.<sup>1</sup> For purposes of this request, the term “unmanned aerial system” refers to any unmanned aerial system, including both unmanned aerial vehicles, flown either remotely or autonomously, and the corresponding control equipment required to operate any such vehicles.

In particular, we seek the following records:

- 1) All records relating to applications to Cal-EMA for grant funding, including but not limited to applications to the Homeland Security Grant Program, related to the acquisition, study, operation, training in the use, or maintenance of unmanned aerial systems for Fiscal Year 2010, 2011 or 2012. This includes applications for grant funds, materials submitted in support of any such applications, and correspondence between a submitting entity and Cal-EMA regarding any such applications.
- 2) All records relating to Cal-EMA’s review, analysis, and approval or rejection of applications for granting funding related to the acquisition, study, operation, training in the use, or maintenance of unmanned aerial systems for Fiscal Year 2010, 2011 or 2012. This includes notifications of grant awards to grantees or subgrantees. An illustrative copy of the type of record encompassed by this request is attached as Appendix A to this letter.

<sup>1</sup> California Public Records Act (Gov’t. Code § 6250 *et seq.*); *see* Cal. Const. Art. I § 3(b).

- 3) All records enumerating criteria or standards for evaluating applications for grant funding related to the acquisition, study, operation, training in the use, or maintenance of unmanned aerial systems for Fiscal Year 2010, 2011 or 2012.
- 4) All records setting forth guidelines or conditions for the expenditure of grant funds for the acquisition, study, operation, training in the use, or maintenance of unmanned aerial systems for Fiscal Year 2010, 2011 or 2012.

We ask that you release to us the documents requested above without delay, and in any event within the 10-day deadline mandated by the PRA. If portions of the documents are exempt from disclosure, please provide the non-exempt portions.<sup>2</sup> If the documents are available in electronic format please email them to me at [llye@aclunc.org](mailto:llye@aclunc.org) and to my assistant Nishtha Jolly at [njolly@aclunc.org](mailto:njolly@aclunc.org).

The ACLU is a non-profit organization dedicated to public service. We therefore request that you waive any fees that would be normally applicable to a Public Records Act request. In addition, if you have the records in electronic form you can simply email them to me without incurring any copying costs.<sup>3</sup> However, should you be unable to do so, the ACLU will reimburse your agency for the direct costs of copying these records plus postage.<sup>4</sup> Please copy and send them as soon as possible, and we will promptly pay the required costs. If copying will result in any delays in release of the information, please let us know the soonest time that we can come and examine the records.<sup>5</sup>

If you believe that the records are in fact exempt from disclosure, please provide a written response setting forth the legal authority on which you rely in failing to disclose each document. In addition, please provide us with any documents that support this position, again under the PRA. If we can provide any clarification that will help comply with this request please contact us. Thank you for your prompt attention to this matter.

Sincerely,



Linda Lye  
Staff Attorney

Enclosure

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<sup>2</sup> Gov't. Code § 6253(a).

<sup>3</sup> Gov't. Code § 6253.9.

<sup>4</sup> Gov't. Code § 6253(b).

<sup>5</sup> Gov't. Code § 6253(a) (records must be made available when office is open).

EDMUND G. BROWN JR.  
GOVERNOR

MARK S. GHILARDUCCI  
SECRETARY



**Cal E·M·A**

CALIFORNIA EMERGENCY  
MANAGEMENT AGENCY

October 12, 2012

10-19-12 P12:09 IN

Captain Tom Madigan  
Alameda County  
4985 Broder Boulevard  
Dublin, CA 94568

**SUBJECT: NOTIFICATION OF SUBGRANTEE AWARD APPROVAL**  
FY 2012 Homeland Security Grant Program (HSGP)  
Grant #2012-SS-00123; Cal EMA 001-00000  
Subgrantee Performance Period: October 12, 2012 to May 31, 2014

Dear Captain Madigan:

The California Emergency Management Agency (Cal EMA) has approved your FY 12 Homeland Security Grant Program (HSGP) award in the amount of \$1,205,943. Once your completed application is received and approved, you may request reimbursement of eligible grant expenditures using the Cal EMA Financial Management Forms Workbook available at [www.calema.ca.gov](http://www.calema.ca.gov).

During the review process, a Cal EMA representative examined and evaluated your FY 12 HSGP grant application. As a result of this review, some of your funded projects may have been assigned performance milestones shorter than the subgrantee performance period, based in part on information provided in your application and submitted workbook. Performance milestones will be used by Cal EMA to both determine the appropriate date to disencumber funds awarded under this grant and redirect them to other needs across the State and as indicators of performance and grant management capacity in future competitive grant applications.

<u>Activities:</u>	<u>Amount</u>	<u>Completion Date</u>
ALL PROJECTS	\$600,000	10/31/13

Additionally, Aviation/Watercraft requests, Establish/Enhance Emergency Operations Center (EOC) projects, projects requiring Environmental and Historic Preservation (EHP) review and Sole Source Procurement requests will require additional approvals from Cal EMA. Subgrantees must obtain written approval for these activities **prior** to incurring any costs, in order to be reimbursed for any related costs under this grant. Subgrantees are required to obtain a performance bond for any equipment item over \$250,000, or any vehicle, aviation; or watercraft (regardless of the cost) financed with homeland security dollars.

Following acceptance of this award, you must enter your grant information into the US Office of Grants and Training, Grant Reporting Tool (GRT), for the December 2012 Biannual Strategy Implementation Report (BSIR) period. The GRT can be accessed online at <https://www.reporting.odp.dhs.gov/>.

HOMELAND SECURITY, PROP 1B AND EMERGENCY MANAGEMENT BRANCH  
3650 SCHRIEVER AVENUE · MATHER, CA 95655  
MAIN LINE: (916) 845-8186



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Semi-annual performance reports must be prepared and submitted to Cal EMA via the GRT for the duration of the grant period or until all activities are completed and the grant is formally closed. Failure to submit performance reports could result in grant reduction, termination, or suspension.

This grant is subject to all policies and provisions of the Federal Single Audit Act of 1984 and the Single Audit Act Amendments of 1996. Any funds received in excess of current needs, approved amounts, or those found owed as a result of a final review or audit, must be refunded to the State within 30 days upon receipt of an invoice from Cal EMA.

Your dated signature is required on this letter. Please sign and return the original to your Cal EMA program representative within ten days of receipt, and keep a copy for your files.

For further assistance, please feel free to contact your Cal EMA program representative or the Homeland Security Grants Section at (916) 845-8186.

Sincerely,



**MARK S. GHILARDUCCI**  
Secretary

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Captain Tom Madigan, Authorized Agent  
Alameda County Operational Area