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7 CALIFORNIA FIRST AMENDMENT COALITION

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SANTA CLARA

10
11 The CALIFORNIA FIRST AMENDMENT
12 COALITION,

13 Petitioner,

14 v.

15 COUNTY OF SANTA CLARA and PETER
16 KUTRAS, JR., as the County Executive of the
County of Santa Clara,

17 Respondents.
18

CASE NO. _____

**CALIFORNIA FIRST AMENDMENT
COALITION'S VERIFIED PETITION FOR
PEREMPTORY WRIT OF MANDATE**

[Cal. Civ. Proc. Code §§ 1086, 1088.5]

19 Comes now the California First Amendment Coalition ("CFAC") and declares:

20 1. Petitioner CFAC is a nonprofit public interest organization dedicated to advancing
21 free speech and open government rights. Since its founding in 1988, CFAC has been a crucial
22 counterweight to the tendency, at all levels of government, toward greater secrecy and declining
23 accountability.

24 2. Respondent Peter Kutras, Jr. is the County Executive of the County of Santa Clara
25 (the "County"). Mr. Kutras ultimately has custody of the County's Geographic Information System
26 "GIS" basemap and included data elements sought by CFAC in this Petition.

27 3. The County is a local agency within the meaning of Government Code § 6252(a).
28

1 4. CFAC is informed and believes, and on that basis alleges, that Mr. Kutras and the
2 County are in possession of the GIS basemap and data elements sought by this Petition.

3 5. Santa Clara County possesses and maintains geographic information systems,
4 commonly referred to as "GIS," which include applications, software, hardware, and data
5 components. Included within the GIS are databases about real property located within the County.
6 A true and correct copy of the Santa Clara County GIS Strategic Plan 2002 Final Report, which is
7 available as a PDF on Santa Clara County's web site, is attached as Exhibit A to this Petition. A list
8 of the categories of information which may be found within the County's GIS appears on pages 47-
9 55 of the Strategic Plan.

10 6. At the core of the County's GIS is the GIS basemap, which, according to page 43 of
11 the County's Strategic Plan, contains "foundational data that supports most GIS application needs
12 across most of the GIS users." Among the information included within the GIS basemap is data
13 reflecting the boundaries of individual parcels of property, the assessor's parcel number ("APN")
14 associated with each parcel, the address of each parcel, and each parcel's "air parcel" status (a term
15 that relates to condominiums). The basemap is aligned with other GIS maps and data, enabling
16 several different types of data to be viewed and analyzed at the same time.

17 7. The County currently sells the basemap data, in electronic form, to members of the
18 public. However, the County charges significant fees for the data. The amount of those fees
19 depends on the amount and type of data purchased. According to the County's GIS Basemap Data
20 Request form, the "one-time" fee to obtain County-wide parcel information alone (not including any
21 address or Assessor Parcel Number data) would be 56 cents per parcel; at approximately 450,000
22 parcels, the total cost would be approximately \$250,000. A true and correct copy of the County's
23 GIS Basemap Data Request form, which was provided to CFAC by the County, is attached as
24 Exhibit B to this Petition. A true and correct copy of a spreadsheet from the County reflecting all
25 sales of GIS basemap data elements, which was provided to CFAC by the County, is attached as
26 Exhibit C to this Petition.

27 8. In addition, the County requires every party receiving all or a portion of the GIS
28 basemap data to enter into a Mutual Non-Disclosure Agreement. A true and correct copy of that

