

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

June 3, 2009

DATE THE DECISION ISSUED

May 26, 2009

*SAVE OUR RICHMOND ENVIRONMENT ("SORE") v. THE SAN FRANCISCO
PUBLIC UTILITIES COMMISSION (09023)*

FACTS OF THE CASE

On March 16, 2009, Wing Fat on behalf of the Save Our Richmond Environment's PUC Committee made a public records inquiry to the Public Utilities Commission regarding Contract No. WW-476 Job Order Contract, Spot Sewer Repair. The contract was referenced as part of an agenda item for the March 10, 2009, PUC meeting.

Agenda item stated:

Staff Recommendation: Approve Modification No.1 to Wastewater Program-funded Contract No. WW-476, Job Order Contract, Spot Sewer Repair (A-license), San Francisco with Synergy Project Management, Inc., to increase the contract by \$1,500,000 for a total contract amount of \$4,500,000, and with a time extension of one (1) year for a total contract duration of three (3) years. This Modification will allow repair and replacement of approximately six deteriorated segments of the City's sewer system.

The March 16, 2009 letter stated: Please provide documentation or response to this inquiry regarding the captioned contract. Thanks.

- The spot sewer backlog listing of 2950 locations
- The spot sewer backlog listing of 539 high priority locations.
- The criteria for distinguishing priorities'
- The locations for the 12 projects completed.
- The costs for each project: estimated vs. actual.
- The location for the 6 proposed projects.
- The estimated cost to repair each.
- Who selected the initial 12 projects: The proposed 6 projects?

In response to the inquiry, the PUC asked Wing Fat for clarification of his request. Wing Fat claims that the PUC's actions of asking questions of the requestor were in fact the PUC purposefully evading their responsibility to respond to the inquiry.

ORDER OF DETERMINATION**COMPLAINT FILED**

On May 11, 2009, Wing Fat who identified himself as Chair of the PUC Committee of the SORE group filed a complaint against the PUC alleging that the PUC did not respond to the Public Records request that was filed on March 16, 2009.

HEARING ON THE COMPLAINT

On May 26, 2009, Complainant Wing Fat did not appear before the Task Force to present his case. He was also not represented at the meeting. Respondent Agency was represented by Suzanne Gauthier of the SFPUC's communications division.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Task Force found that the SFPUC responded to the Public Records Request which was more of a list of questions. In response, the SFPUC requested clarification on the original request. The response to the request was reasonable and the Task Force found no violation of the Sunshine Ordinance.

DECISION AND ORDER OF DETERMINATION

This Order of Determination was adopted by the Sunshine Ordinance Task Force on M/D, 2008, by the following vote: (Chu / Knoebber)

Ayes: Knee, Washburn, Knoebber, Johnson, Goldman, Williams, Chu

Recused: Craven-Green

Excused: Cauthen, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Wing Fat, complainant
Suzanne Gauthier, respondent
Ernie Llorente, Deputy City Attorney