

**SUNSHINE ORDINANCE
TASK FORCE**



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August 23, 2010

San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco CA 94102

**Referral of Sunshine Ordinance Complaint #10009_Majeid Crawford v City
Attorney's Office**

This is a referral from the May 25, 2010, Order of Determination against the City Attorney's Office ("CAO"), through its representatives Jack Song and Matt Dorsey, and from the motion on June 22, 2010, finding that the CAO should be found in willful violation of Sunshine Ordinance Sections 67.26 and 67.27 for withholding disclosable public information and for failing to justify said withholding. The referral is made pursuant to Sunshine Ordinance Sections 67.30(c) and 67.34.

Background

On March 3, 2010, Majeid Crawford filed a complaint with the Sunshine Ordinance Task Force ("Task Force" or "SOTF") alleging that the CAO refused to declare how much it charges departments and agencies for work associated with Requests for Proposals, Requests for Quotes and Invitations for Bids; if the fee was on a case-by-case basis; if the fee was related to the size of the project; if departments were charged differently; and if the fee was based on time spent on a given project. He also wanted to know the last 20 projects the CAO had completed and how much it had charged. The CAO said it had no document responsive to Mr. Crawford's request.

Task Force Hearing and Order of Determination

The Task Force heard the matter on May 25, 2010. Mr. Crawford presented his case and Mr. Song presented the CAO's response. Mr. Crawford told the Task Force that he was interested in knowing how much the CAO was charging his community for work related to the Fillmore Muni substation project. The information, he said, should be in a database and a printout would have met his requests.

Mr. Song said the CAO does not keep a log or list of the RFPs and RFQs it reviews. He said the office had a billing system that requires a deputy city attorney to record the amount of time he or she spent on a particular project on a specific date. He also added that he contacted the deputy city attorney working on the substation project and was told there wasn't any dollar figure associated with the project because work had not started.

The Task Force issued an Order of Determination finding that the CAO violated Sections 67.26 and 67.27 for withholding disclosable public information and for failing to justify said withholding. The Task Force also ordered the CAO to release the records requested within five business days after issuance of the Order of Determination.

Task Force hearing on compliance

The Task Force heard from both sides on June 22, 2010, on whether the CAO had complied with the Order of Determination. Mr. Crawford said he had received a document from the CAO since the Order of Determination was issued but that the additional information did not answer his questions. Matt Dorsey, representing the CAO, said his department does not keep a database or document that identifies all the RFPs and RFQs it processes. He said he could conduct a search but the result would not provide a true accounting of what his office does. He said departments are charged approximately \$200 an hour but the figure depends on the seniority of the deputy city attorney working on a given project. Regardless, he said, he was willing to work with Mr. Crawford to reach an agreement on what kind of information was available and what was not.

Referral by Task Force

The Task Force voted to refer the CAO to the Ethics Commission for willful violation in its failure to comply with the Order of Determination.

This request and referral are made under Sections 67.30(c) and 67.34 of the Sunshine Ordinance, whereby the Task Force shall make referrals to a municipal office with enforcement power under this Ordinance whenever it concludes that any person has violated any provision of this Ordinance and referrals shall be made to the Ethics Commission based on findings of willful failure to comply with the Ordinance.

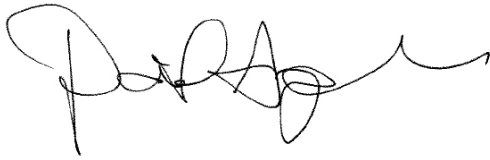
Supporting Materials

The enclosed CD contains material in reference to this referral including (1) the May 25, 2010, Task Force Order of Determination, (2) documents regarding this complaint that have been submitted to the Sunshine Ordinance Task Force, and (3) the minutes of the Task Force meetings of May 25, 2010, and June 22, 2010.

If you need any further information, including audio recordings of any of the meetings referenced above, please contact one of us or the Task Force Administrator at (415) 554-7724.



Richard A. Knee, Chair
Sunshine Ordinance Task Force



David Snyder, Member, Seat #1*
Sunshine Ordinance Task Force

cc: Jerry Threet, Deputy City Attorney
Jana Clark, Deputy City Attorney
Majeid Crawford, Complainant
Jack Song, Respondent
Matt Dorsey, Respondent

*Seat #1 on the Task Force is a voting seat designated for an attorney nominated by the Society of Professional Journalists, Northern California Chapter.