

File No. 11087

SOTF Item No. 6
CAC Item No. _____

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force

Date: April 4, 2012

Compliance and Amendments Committee

Date: _____

CAC/SOTF

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Completed by: Andrea Ausberry Date March 27, 2012
Completed by: _____ Date _____

*An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

ORDER OF DETERMINATION
February 27, 2012

DATE THE DECISION ISSUED
January 3, 2012

LARS NYMAN v DEPARTMENT OF PUBLIC WORKS (CASE NO. 11087)

FACTS OF THE CASE

Complainant Lars Nyman alleges that the San Francisco Department of Public Works ("DPW") has not adequately responded to his October 6, 2011 request for public information related to the approval or authorization of the Montgomery/Alta Street tree project.

COMPLAINT FILED

On November 14, 2011, Lars Nyman filed a complaint with the Sunshine Ordinance Task Force ("Task Force") alleging that DPW violated the public information and public records provisions of the Sunshine Ordinance.

HEARING ON THE COMPLAINT

On January 3, 2012, Lars Nyman appeared before the Task Force and presented his complaint. DPW was represented by its Director's Executive Assistant Frank Lee, who presented the response.

On October 6, 2011, Mr. Nyman requested from DPW any documents related to the approval or authorization of both the Montgomery/Alta Street tree project and the initial budget for that project. This request was made in follow-up to his previous request for documents related to the approval of the final cost of \$229,039.80, an amount over the original budget of \$101,625.50. Mr. Nyman made the follow-up request at issue in this complaint after DPW told him that no documents exist related to approval of costs over the original budget because that approval was given verbally.

Mr. Nyman stated that Mr. Lee told him no documents exist that are responsive to his current request for the initial approval of the project itself other than those provided in response to previous requests. Mr. Nyman alleged that no documents related to the initial project approval have ever been provided. He stated Mr. Lee offered to arrange for him to meet with DPW staff to discuss the project but that he preferred to receive a response in writing. He further stated that Mr. Lee provided him with the names of DPW staff involved in the project but not with their contact information.

Mr. Lee stated DPW had previously provided all responsive documents to Mr. Nyman. He stated that he had confirmed with DPW staff that the approval of costs over the initial estimate was done verbally, and, therefore, no documents exist related to that approval. He repeated his offer to arrange for Mr. Nyman to meet with DPW staff to review and discuss specific information relative to his requests.

Mr. Lee also described details of his search for responsive documents. Upon further questioning by the Task Force, Mr. Lee stated that he did not know if records exist related to initial approval or authorization of the project itself, including approval of the posting of the notice of tree removal. He further stated he believed such a request would constitute a new records request.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Task Force found that a request for documents related to initial approval of the project itself is not a new request because Mr. Nyman's October 6, 2011 email to DPW at issue in this complaint specifically requests that information. The Task Force further found that Mr. Nyman's request for any initial approval documents is logically inclusive of approvals or instructions to post notices of tree removal, one of the initial steps of the project.

Based on Mr. Lee's admission that he does not know if records exist related to the initial approval or authorization of the project itself, including approval of the initial budget and notices of tree removal, the Task Force found that DPW had not fully responded to Mr. Nyman's request as required by Sunshine Ordinance Section 67.21(e). Based on statements by Mr. Nyman and documents presented for the hearing, the Task Force further found that DPW had not assisted Mr. Nyman in identifying records available or provided him with contact information for appropriate project staff upon learning he wanted to receive his responses in writing as required by Sunshine Ordinance Section 67.21(c).

DECISION AND ORDER OF DETERMINATION

The Task Force finds DPW in violation of Sunshine Ordinance Sections:

67.21(c) for failure to assist Mr. Nyman in identifying the existence, form, and nature of available records related to initial approvals and authorizations of the project and for failure to provide contact information for appropriate DPW staff; and

67.21(e) for providing an incomplete response to the request for public records regarding initial approval and authorization of the project.

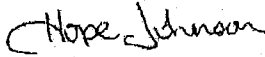
DPW shall research the existence of public records and information related to the initial approval or authorization of both the project itself and the initial budget for the project, release the requested records within 5 business days of the issuance of this Order of Determination, and appear before the Compliance and Amendments Committee on Tuesday, March 20, 2012 at 4:00pm in Room 406. The Committee shall monitor compliance with this Order of Determination.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on January 3, 2012, by the following vote: (Wolfe/West - 7/1/2)

Ayes: 7 - Knee, Manneh, Washburn, Costa, Wolfe, West, Johnson

Absent: 1 - Chan

Excused: 2 - Snyder, Cauthen



Hope Johnson, Chair
Sunshine Ordinance Task Force

cc: Lars Nyman, Complainant
Frank Lee, Executive Assistant, Department of Public Works, Respondent
Mohammed Nuru, Interim Director, Department of Public Works, Respondent
Jerry Threet, Deputy City Attorney

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

JERRY THREET
Deputy City Attorney

Direct Dial: (415) 554-3914
Email: jerry.threet@sfgov.org

MEMORANDUM

December 27, 2011:

LARS NYMAN VS. DEPARTMENT OF PUBLIC WORKS (11087)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING:

Complainant Lars Nyman ("Complainant") alleges that the Department of Public Works ("DPW") has not adequately responded to his October 6, 2011 public records request for public information related to the approval and/or authorization of the Montgomery/Alta Street tree project.

COMPLAINANT FILES COMPLAINT:

On October 20, 2011, Complainant filed this complaint against DPW.

JURISDICTION:

DPW is a City department subject to the provisions of the Sunshine Ordinance. The Department does not contest jurisdiction.

APPLICABLE STATUTORY SECTION(S):

- Section 67.21 governs the process for gaining access to public records.
- Section 67.25 governs the immediacy of response.
- Section 67.26 governs the withholding of records.
- Section 67.27 governs the written justifications for withholding of records.

APPLICABLE CASE LAW:

None

ISSUES TO BE DETERMINED

Uncontested/Contested Facts: Complainant alleges that on October 6, 2011, he requested from Frank Lee of DPW public information related to the approval and/or authorization of the Montgomery/Alta Street tree project. He further alleges that, as of October 20, 2011, "Mr. Lee has not provided any such documents, nor explicitly stated there are no such documents. Mr. Lee did respond, without providing any documents, stating that '...other than...' documents he has provided to me in prior requests '...we do not have any other documents that would be responsive...'. The use of 'other than' implies there are documents that address my request and that he has already provided those documents to me. However, he has not - I have not received any documents from Mr. Lee that shows the approval or authorization of the project or the initial budget."

MEMORANDUM

TO: Sunshine Task Force
DATE: December 27, 2011
PAGE: 2
RE: Complaint 11087: Nyman v. DPW

On November 22, 2011, DPW responded to the Sunshine complaint. In that letter, DPW stated:

We answered Mr. Nyman's October 6, 2011 Public Records Request promptly on the following day. At that time, we explained to Mr. Nyman that we had already given to him – through our previous responses to his previous records requests – the documents that were responsive to his latest request. We also explained to Mr. Nyman why there were no documents that fit some of his questions and invited him to discuss this with our staff.

Mr. Nyman did not accept our invitation to meet.

On October 13, 2011, we outlined every document that we provided to him since he began his requests. Our first response to him was on June 15, 2011. At the end of this outline was another invitation to meet and discuss.

Mr. Nyman still has not accepted our invitation to meet.

The October 13, 2011 email from DPW to complainant includes a recital that DPW on August 10, 2011 had provided Mr. Nyman with the original, approved budget documents and information related to this project. DPW further asserted that the law does not require that it created any documents in response to complainant's request and that it has provided all responsive documents in its custody.

Complainant does not allege any facts as to why he believes that DPW has responsive documents that it has not provided to him.

Finally, this complaint is related to and in some ways duplicates Complaint 11060, filed by Mr. Nyman against DPW regarding the same set of documents. Complaint 11060, which appeared on the agendas for the October 25, 2011 and November 29, 2011 meetings of the Task Force. The Task Force voted 8-0 to dismiss this complaint due to the failure of the complainant to attend the two hearings where it was scheduled to be heard.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:

- Does DPW have further responsive records that it has not provided?
- What evidence does Complainant have that DPW may have such records?

LEGAL ISSUES/LEGAL DETERMINATIONS:

- Has DPW withheld any records responsive to the request?
- If so, did DPW justify withholding in accordance with the requirements of the Ordinance?
- Are DPW's justifications for any withholding within the exemptions allowed by the Ordinance and the PRA?

MEMORANDUM

TO: Sunshine Task Force
DATE: December 27, 2011
PAGE: 3
RE: Complaint 11087: Nyman v. DPW

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

MEMORANDUM

TO: Sunshine Task Force
DATE: December 27, 2011
PAGE: 4
RE: Complaint 11087: Nyman v. DPW

CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE ORDINANCE)**SEC. 67.25. IMMEDIACY OF RESPONSE.**

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this article.

SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

MEMORANDUM

TO: Sunshine Task Force
DATE: December 27, 2011
PAGE: 5
RE: Complaint 11087: Nyman v. DPW

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

Any withholding of information shall be justified, in writing, as follows:

- (a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.
- (b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.
- (c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.
- (d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

CAL. PUBLIC RECORDS ACT (GOVT. CODE §§ 6250, ET SEQ.)**SECTION 6253**

- (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.
- (b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.
- (c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:
 - (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
 - (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
 - (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.



Sunshine Complaint
complaints

to:
sotf
11/14/2011 03:21 PM
Hide Details
From: <complaints@sfgov.org>

To: <sotf@sfgov.org>

To:sotf@sfgov.org
Email:complaints@sfgov.org
DEPARTMENT:Department of Public Works
CONTACTED:Frank Lee
PUBLIC_RECORDS_VIOLATION:Yes
PUBLIC_MEETING_VIOLATION:No
MEETING_DATE:

SECTIONS_VIOLATED:

DESCRIPTION:The Department of Public Works spent \$229,039.80 in 2010/2011 on the Montgomery/Alta Street tree project. The project was initially budgeted for \$101,625.50. I made a request under the Sunshine Ordinance to the Department of Public Works and Frank Lee (DPW's designated point man for Sunshine Ordinance requests) on October 6, 2011. In my request, I requested any document or documents that approved or authorized this project. I also requested any document or documents that approved or authorized the initial budget for \$101,625.50 for this project. As of this date, October 20, 2011, Mr. Lee has not provided any such documents, nor explicitly stated there are no such documents. Mr. Lee did respond, without providing any documents, stating that "...other than..." documents he has provided to me in prior requests "...we do not have any other documents that would be responsive...". The use of "other than" implies there are documents that address my request and that he has already provided those documents to me. However, he has not - I have not received any documents from Mr. Lee that shows the approval or authorization of the project or the initial budget.

HEARING:Yes
PRE-HEARING:No
DATE:October 20
NAME:Lars Nyman

ADDRESS:
CITY:
ZIP:
PHONE:
CONTACT_EMAIL:upwardfacingdog@hotmail.com
ANONYMOUS:
CONFIDENTIALITY_REQUESTED:No

City and County of San Francisco

San Francisco Department of Public Works



Edwin M. Lee, Mayor
Mohammed Nuru, Interim Director

1 Dr. Carlton B. Goodlett Place, City Hall, Room 348
San Francisco, CA 94102
(415) 554-6900 ■ www.sfdpw.org



November 22, 2011

Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Subject: Sunshine Complaint #11087
Lars Nyman v Public Works

Dear Sunshine Ordinance Task Force:

We answered Mr. Nyman's October 6, 2011 Public Records Request promptly on the following day. At that time, we explained to Mr. Nyman that we had already given to him – through our previous responses to his previous records requests – the documents that were responsive to his latest request. We also explained to Mr. Nyman why there were no documents that fit some of his questions and invited him to discuss this with our staff.

Mr. Nyman did not accept our invitation to meet.

On October 13, 2011, we outlined every document that we provided to him since he began his requests. Our first response to him was on June 15, 2011. At the end of this outline was another invitation to meet and discuss.

Mr. Nyman still has not accepted our invitation to meet.

As evidence of our responses, I am attaching the October 13, 2011 email to Mr. Nyman, which also contains Mr. Nyman's record request of October 6 and our initial response on October 7.

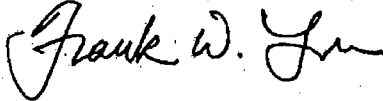
We understand that the Public Records Act requires an agency to make available to any person a copy of an "identifiable record or records" in its possession, unless the record is specifically exempt from disclosure. (Please see California Government Code § 6253(b).) Our obligation under the Sunshine Ordinance, like the Public Records Act, is to produce public records in our custody. (See San Francisco Administration Code § 67.20(b).) There is no requirement that our department or officers construct a document to meet the specifications of any request.



San Francisco Department of Public Works
Making San Francisco a beautiful, livable, vibrant, and sustainable city.

In summary, we believe that our department responded to Mr. Nyman's request properly.

Sincerely,



Frank W. Lee
Executive Assistant to the Director



Lee, Frank W

From: Lee, Frank W
Sent: Thursday, October 13, 2011 5:18 PM
To: 'Up Dog'
Subject: RE: Sunshine Ordinance request

Dear Mr. Nyman:

Here is a summary of what we gave to you and explained to you.

On June 15, 2011, we gave to you:

- A copy of the Notice of Tree Removal that was posted; and
- 14 letters and emails that we received during the Notice of Tree Removal posting period (June 1, 2010 to June 30, 2010).

On June 27, we gave to you:

- Four emails exchanged between Dadisi Najib and Frank W. Lee on April 12, 2011.

On July 6, we gave to you:

- An April 12, 2011 email to Dadisi Najib from James DeVinny; and
- An April 12, 2011 email to Dadisi Najib, Gloria Chan, and James DeVinny from Frank W. Lee.

On August 8, we gave to you:

- The original cost estimate of \$101,625.50 that was produced in September 2010

On that same August 8, we also:

- Informed you that the final actual cost of the project is being calculated; and
- Explained to you which employees discussed and determined the sending of workers to work on the project on Sunday, March 27.

On August 12, we gave to you:

- A spreadsheet showing the actual total cost (\$229,039.80) and the labor hours spent; and
- Nine reasons for exceeding the original estimate (\$101,625.50).

On August 26, we gave to you:

- The date of the when the itemized estimated budget or cost for the project was approved, which was September 2010;
- Documents, including sketches, related to the original estimate (\$4,248.65) of the "tree support" that was also approved in September 2010;
- The name of the employee that produced the itemized estimated budget or cost for the project; and
- The name of the employee that approved that itemized estimated budget or cost for the project.

On August 29, we:

- Again, explained that the original tree support budget of \$4,248.65 was approved in September 2010; and
- Explained that the final actual cost of the tree support was \$23,561.

On September 9, we gave to you:

- Sketch of the tree base for the tree support that was actually built; and
- Sketch of the tree support and saddle, as part of the tree support, that were actually built

On that same September 9, we also:

- Explained to you how the approval of building the tree support (base, support and saddle) was made and, subsequently, why there were no documents showing this approval.

On September 12, we

- Again, stated that there were no documents showing approval of the building of the tree support.

On September 30, we

- Explained that we have no documents that shows discussions concerning "the overrun of cost of this project";
- Explained that we had already given to you the name of the employee that approved the \$101,625.50 original estimate and that there were no documents because his approval was done verbally; and
- Explained that there is no approval of the final cost because the \$229,039.80 expenditure was the actual cost of the entire project, not an estimate used for any approval or authorization.

On October 3, we:

- Explained that there were no documents, including any emails, that show approval and/or authorization of spending more than the original \$101,625.50 cost that was verbally approved at the beginning of the project.

And, finally, on October 7, we:

- Offered to arrange a meeting between you and the employees that made the original estimate and approvals so that you could discuss any concerns you had with them.

If you find that you are missing any of the above emails or documents in your email inbox, please let me know.

There are no documents, other than what were included in the documents that we gave to you (see above), that shows or are related to the approval and/or authorization of the Montgomery/Alta Street tree project. There are no documents, other than what were included in the documents that we gave to you (see above), that are related to the approval and/or authorization of the initial budget for the Montgomery/Alta Street tree project.

If you would like to meet, please let me know.

Sincerely,

Frank W. Lee

Executive Assistant to the Director

Department of Public Works

Tel: (415) 554-6993

Fax: (415) 522-7727

Email: Frank.W.Lee@sfdpw.org

From: Up Dog [mailto:upwardfacingdog@hotmail.com]
Sent: Sunday, October 09, 2011 6:49 PM
To: Lee, Frank W
Cc: Up Dog
Subject: RE: Sunshine Ordinance request

Mr Lee,

No, I have not received any documents from your or from the Department of Public Works that address my current request - I have not received any such documents nor have I requested such documents.

I am not unclear about anything. What I am clear about is that I issued an official request under the Sunshine Ordinance of the City of San Francisco and that I did not receive a proper response.

You state that "Other than what we have already provided to you..." and "... we do not have any other documents...". Your statement and use of "other" implies there are documents that address my request. However, as I stated above, I have not received any documents from you or from the Department of Public Works that shows approval and/or authorization of the Montgomery/Alta Street tree project, or any documents that shows approval and/or authorization the initial budget for the Montgomery/Alta Street tree project.

I submitted my official request under the Sunshine Ordinance of the City of San Francisco. You are obligated, under the Sunshine Ordinance of the City of San Francisco, to supply such documents and you did not. If the Department of Public Works does not have any documents that shows approval and/or authorization of the Montgomery/Alta Street tree project, or any documents that shows approval and/or authorization the initial budget for the Montgomery/Alta Street tree project, you need to explicitly and clearly state so.

Consequently, I consider that you have not responded to my request under the Sunshine Ordinance of the City of San Francisco.

Sincerely,
Lars Nyman

From: Frank.W.Lee@sfdpw.org
To: upwardfacingdog@hotmail.com
CC: upwardfacingdog@hotmail.com
Date: Fri, 7 Oct 2011 19:05:47 -0700
Subject: RE: Sunshine Ordinance request

Dear Mr. Nyman:

Other than what we have already provided to you in response to your previous requests, we do not have any other documents that would be responsive to your request, again, for documents that approves and/or authorizes the Montgomery/Alta street tree project and for documents that approves and/or authorizes the initial budget for the Montgomery/Alta street tree project.

Furthermore, I explained to you the approval method that was used and the names of the employees that produced the initial estimate and made the approval. If you are unclear about this and would like to discuss this with these employees, please let me know. I would be able to arrange a meeting for you.

Sincerely,
Frank W. Lee
Executive Assistant to the Director

Department of Public Works
Tel: (415) 554-6993
Fax: (415) 522-7727
Email: Frank.W.Lee@sfdpw.org

From: m m [mailto:upwardfacingdog@hotmail.com]
Sent: Thursday, October 06, 2011 10:32 AM
To: Lee, Frank W
Cc: Up Dog
Subject: Sunshine Ordinance request

Dear Mr. Lee,

In my email on 10/3/2011 to you I asked you a couple of questions. Since I have not received a response from you I am forced to submit an official Sunshine Ordinance request to get the information.

As a background, I have tried since April 2011 to get information from you and the Department of Public Works about the Montgomery/Alta Street tree project that was performed in early 2011. You have informed me that the amount in the budget for the Montgomery/Alta Street tree project that was approved was \$101,625.50. You have indicated that there are no documents showing any information or discussion about the cost overrun for this project, that there are no documents showing approval or authorization for spending beyond the initial budget for this project. In a comment, you also seem to have indicated there are no documents showing approval or authorization for the initial budget itself.

It seems somewhat surprising that there would be no documents approving or authorizing the initial budget for the project and the spending of money for this project. Since I had not issued an official request for that that information, and since I may have misunderstood your comments, to make sure I will make an official Sunshine Ordinance request to get to the bottom of this.

If there are no documents showing approval or authorization for the initial budget for the project, I am wondering if there are any documents showing approval and authorization of the project itself. Again, to get to the bottom of this I will make an official Sunshine Ordinance request below.

I am requesting documents under the Sunshine Ordinance of the City of San Francisco:

- 1- any documents, including emails, meeting minutes etc., that approves and/or authorizes the Montgomery/Alta Street tree project
- 2- any documents, including emails, meeting minutes etc., that approves and/or authorizes the initial budget for the Montgomery/Alta Street tree project

Note, the request for documents in this request is in addition to any other request I have made.

I look forward to receiving the information requested.

Sincerely,
Lars Nyman