

Date: March 9, 2010

Item No. 4

File No. 10007

SUNSHINE ORDINANCE TASK FORCE
COMPLAINT COMMITTEE
AGENDA PACKET CONTENTS LIST*

- Supervisor Chris Daly against Mayor's Office**
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Completed by: Chris Rustom

Date: March 4, 2010

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



SUNSHINE ORDINANCE TASK FORCE
 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
 Tel. (415) 554-7724; Fax (415) 554-7854
<http://www.sfgov.org/sunshine>

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission Mayor's office

Name of individual contacted at Department or Commission Michael Varne / Joe Arellano

Alleged violation public records access
 Alleged violation of public meeting. Date of meeting _____

Sunshine Ordinance Section Administrative Code Section 07.25(a)
 (if known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

Failure to respond to written request at the end of a 10 day extension period. Please see attached for detailed correspondence.

Do you want a public hearing before the Sunshine Ordinance Task Force? yes no
 Do you also want a pre-hearing conference before the Complaint Committee? yes no

(Optional)¹ Name April Vancracian Address Dr Carlton B. Goodlett Dr.

Telephone No. 415-554-7970 E-Mail Address Chris.daly@sf.gov

Date 2/22/10 Signature [Signature]

I request confidentiality of my personal information. yes no

¹ NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).

07/31/08

CHRIS DALY

Member, Board of Supervisors
District 6



COMMITTEES

City & School District

MEMBER

Bay Area Air Quality Management District
Joint Powers Committee
Twinbay Joint Powers Authority
Treasure Island Development Authority
Metropolitan Transportation Commission

IMMEDIATE DISCLOSURE REQUEST

To: Michael Yarne
From: Chris Daly
Date: February 4, 2010
Re: Immediate Disclosure Request

RECEIVED
MAYOR'S OFFICE
10 FEB - 4 PM 5:02

Pursuant to San Francisco's Sunshine Ordinance and California Public Records Act, I hereby request all written communications between Michael Yarne and the Planning Department, the Mayor's Office of Housing and the Controller between October 1, 2009 and January 31, 2010.

I would greatly appreciate your office responding immediately or no later than the close of business February 5, 2010. As it is required by Administrative Code Section 67.25(a) which states in relevant part; "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."

Please contact April Veneracion, (415) 554-7972 when the documents are available to review.

HW

Office of the Mayor
City & County of San Francisco



Gavin Newsom

February 5, 2010

Supervisor Chris Daly

Re: Immediate Disclosure Request Received on February 4, 2010

Dear Supervisor Daly:

This letter responds to your "immediate disclosure request" for "all written communications between Michael Yarne and the Planning Department, the Mayor's Office of Housing and the Controller between October 1, 2009 and January 31, 2010.

This office is invoking an extension to your request under the Sunshine Ordinance, Administrative Code Section 67.25(b). This office will respond to your request within 10 business days of its receipt as permitted in Administrative Code Section 67.25(a).

The extension is based on the following factors.

Your request falls into the category of "more extensive or demanding requests" and is not a "simple routine or other readily answerable request," as described in Section 67.25(a).

Your request involves information that is "voluminous," "is located at a remote storage facility," or involves "the need to consult with another interested department."

Sincerely,

A handwritten signature in black ink that reads "Joe Arellano".

Joe Arellano
Deputy Communications Director
Mayor Gavin Newsom

1 Dr. Carlton B. Goodlett Place, Room 200, San Francisco, California 94102-4641
gavin.newsom@sfgov.org • (415) 554-6141

Office of the Mayor
City & County of San Francisco



Gavin Newsom

February 11, 2010

Supervisor Chris Daly

Re: February 4, 2010 Public Records Request

Dear Supervisor Daly:

Your have requested "all written communications between Michael Yarne and the Planning Department, the Mayor's Office of Housing and the Controller between October 1, 2009 and January 31, 2010."

This request is extremely broad and will require considerable City resources in order to respond. Mr. Yarne will need to review all of his communications for the time period and then determine for each whether there are any communications – for example those involving attorneys to which the attorney client privilege may attach – that should be exempted or redacted.

In light of the burden of responding, we would appreciate it if you could identify the subject matter in which you are interested. That would assist in narrowing the search, reducing the burden, and getting you the specific documents that you seek.

Generally, the public records laws require a request to be sufficiently particular to identify a category of documents and not require a wholesale review of an agency's files. See Government Code Section 6253(b) (a request must reasonably describe an identifiable record or records). The Good Government Guide issued by the City Attorney states:

A records request must specify an identifiable record or category of records sought. The law does not give the requester the right to look indiscriminately through the files of an agency. A request may not properly ask to inspect or receive copies of "all of your records." (2007-08 Edition, at p. 68.)

Moreover, the courts have applied a "rule of reason" to public records requests. See *Buck v. Gregory*, 65 Cal.2d 666, 676 (1967) (public records states are "subject to an implied rule of reason" and "inherent reasonableness limitations").

Your request for all of Mr. Yarne's e-mails to particular departments over a lengthy period of time could be viewed as lacking the particularity required of a public records act request and also as not reasonable. We would like to work with you in narrowing the request to identify the subject matter in which you are interested in order to conserve City resources. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Arellano".

Joe Arellano
Deputy Communications Director
Mayor Gavin Newsom

April
Veneracion/BOS/SFGOV
02/17/2010 06:21 PM


To Joe Arellano/MAYOR/SFGOV@SFGOV
cc chris.daly@sfgov.org
bcc
Subject Re: February 4, 2010 Public Records Request

Dear Mr. Arellano,

The request that was submitted to your office on February 4, 2010 is not burdensome and should have been available within the 24 hour period as requested. The information requested is specific to a category of documents. The request specifically limits the scope to all written communications between Michael Yarne and the Planning Department, the Mayor's Office of Housing and the Controller between October 1, 2009 and January 31, 2010. This is not a wholesale review of an agency's files. The request is simple, clear and should be easily produced, in part, by searching through the Lotus Notes system and computer drive. This should certainly be available with the 10 day extension period that you requested on February 5, 2010. We expect the documents requested at the end of this 10 day extension on Friday, February 19, 2010 by 5:00 pm.

Sincerely,
April Veneracion

April Veneracion
Legislative Aide
Office of District 6 Supervisor Chris Daly
San Francisco Board of Supervisors
(415) 554-7972 Office
(415) 554-7974 Fax
april.veneracion@sfgov.org
Joe Arellano/MAYOR/SFGOV

 Joe
Arellano/MAYOR/SFGOV To April Veneracion/BOS/SFGOV@SFGOV
OV cc
02/11/2010 05:12 PM Subject Re: February 4, 2010 Public Records
Request

February 11, 2010



Joe Arellano/MAYOR/SFGOV

02/17/2010 06:21 PM

To: April Veneracion/BOS/SFGOV

cc

bcc

Subject: AUTO: Joe [REDACTED] is out of the office - Not Checking E-Mail
(returning 02/23/2010 09:00 AM)

I am out of the office from 02/13/2010 12:00 AM until 02/23/2010 09:00 AM.

For media inquiries or immediate assistance, please contact the Mayor's Office of Communications at (415) 554-6131 or via e-mail at mayorspressoffice@sfgov.org

Note: This is an automated response to your message "Re: February 4, 2010 Public Records Request" sent on 02/17/2010 18:21:25.

This is the only notification you will receive while this person is away.

April
Veneracion/BOS/SFGOV
02/18/2010 11:58 AM

To laura.hauser@sfgov.org
cc
bcc
Subject Fw: Immediate Attention Needed - February 4, 2010 Public
Records Request

April
Veneracion/BOS/SFGOV
02/17/2010 06:23 PM

To mayorspressoffice@sfgov.org
cc
Subject Immediate Attention Needed - February 4, 2010 Public
Records Request

I received an out of office reply from Mr. Arellano's office. This matter needs immediate attention in his absence.

Thank you,
April Veneracion

April Veneracion
Legislative Aide
Office of District 6 Supervisor Chris Daly
San Francisco Board of Supervisors
(415) 554-7972 Office
(415) 554-7974 Fax
april.veneracion@sfgov.org
----- Forwarded by April Veneracion/BOS/SFGOV on 02/17/2010 06:23 PM -----

April
Veneracion/BOS/SFGOV
02/17/2010 06:21 PM

To Joe Arellano/MAYOR/SFGOV
cc chris.daly@sfgov.org
Subject Re: February 4, 2010 Public Records Request

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