

Date: July 14, 2009

Item No. 4 3
File No. 09032

SUNSHINE ORDINANCE TASK FORCE
COMPLAINT COMMITTEE
AGENDA PACKET CONTENTS LIST*

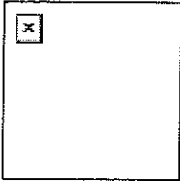
- Dominic Maionchi against Rec and Park
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Completed by: Chris Rustom Date: July 5, 2009

***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.



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July 6, 2009

Nick Goldman, Chair
Members of the Complaint Committee

Re: Dominic Maionchi v. Recreation and Park Department (09032)

Dear Chair Goldman and Members of the Complaint Committee:

This letter addresses the issue of whether the Sunshine Ordinance Task Force ("Task Force") has jurisdiction over the complaint of Dominic Maionchi against the San Francisco Recreation and Park Department ("Rec & Park").

BACKGROUND

Dominic Maionchi alleges that he made a request under 67.24(e) of the Sunshine Ordinance for contracts for slip holders who have signed contracts with the Rec & Park. Rec & Park allegedly responded and stated it would redact the mailing addresses from the documents that would be provided.

COMPLAINT

On June 15, 2009, Dominic Maionchi filed a complaint against the Rec and Park alleging violations of the Sunshine Ordinance and the Public Records Act.

SHORT ANSWER

Based on Complainant's allegation and the applicable sections of the Sunshine Ordinance and the California Public Records Act, which are cited below, the Sunshine Ordinance Task Force *does* have jurisdiction over the allegation. The allegations are covered under (67.21 and 67.25) of the Ordinance.

DISCUSSION AND ANALYSIS

Article I Section 3 of the California Constitution as amended by Proposition 59 in 2004, the State Public Records Act, the State Brown Act, and the Sunshine Ordinance as amended by Proposition G in 1999 generally covers the area of Public Records and Public Meeting laws that the Sunshine Ordinance Task Force uses in its work.

The Sunshine Ordinance is located in the San Francisco Administrative Code Chapter 67. All statutory references, unless stated otherwise, are to the Administrative Code. Section 67.21

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generally covers requests for documents and Section 67.25 covers Immediate Disclosure Requests. CPRA Section 6253 generally covers Public Records Requests.

In this case, the allegations that the Rec & Park intended to redact information from the requested documents in violation of 67.21 of the Ordinance put the case within the jurisdiction of the Task Force. The Task Force will determine whether Rec & Parks production of it documents violated the Ordinance and/or the Public Records Act.



<complaints@sfgov.org>
06/18/2009 01:34 PM

To <soft@sfgov.org>
cc
bcc
Subject Sunshine Complaint

Submitted on: 6/18/2009 1:34:12 PM

Department: Park And Recreation

Contacted: Olive Gong

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated: SEC. 67.24

Description: Under Article III SEC. 67.24 (e) Contracts entered into between departments and persons have an enhanced rights of public access. I have requested the contracts for slip holders who have signed contracts with the department of park and rec and these are the documents that they wish to redact mailing addresses from. I believe this is improper under the sunshine ordinance.

Hearing: Yes

Pre-Hearing: Yes

Date: June 15th

Name: dominic maionchi

Address: 250 avila street

City: san francisco

Zip: 94123

Phone: 415 385 8278

Email: dm567@pacbell.net

Anonymous:

Confidentiality_Requested: No