

Date: Oct. 12, 2010

Item No. 3

File No. 10047

SUNSHINE ORDINANCE TASK FORCE
COMPLAINT COMMITTEE
AGENDA PACKET CONTENTS LIST*

- Jurisdiction: Kellee Lanza against District Attorney's Office**
- _____
- _____
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- _____
- _____

Completed by: Chris Rustom

Date: Oct. 6, 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 San Francisco District Attorney

Name of individual contacted at Department or Commission Paul Henderson, Chief of Administration

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

Sunshine Ordinance Section _____
(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.

On June 29, 2010 I sent a letter requesting public records from the SF District Attorney's office. On July 12, 2010 the DA's office responded requesting an additional 14 days to respond to my request. Since that time, I have not received any records or contact from their office, despite phone calls and an e-mail requesting an update.

- 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 Kellee Lanza Address 1215 K St, Ste. 790, Sacramento, CA

Telephone No. (916) 552-3090 E-Mail Address kellanza@gmail.com

Date September 3, 2010 Kellee Lanza
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).



RESEARCH • PUBLIC AFFAIRS • COMMUNICATIONS
1215 K Street, Ste. 790 • Sacramento, CA 95814
(916) 552-3090 phone • (916) 720-0334 fax
www.mbpublicaffairs.com

June 29, 2010

San Francisco District Attorney
City and County of San Francisco
Hall of Justice
850 Bryant Street, Room 322
San Francisco, CA 94103

Attn: Administration/Records Management

Dear Sir or Madam:

Pursuant to my rights under the San Francisco Sunshine Ordinance of 1999, I write requesting information pertaining to San Francisco District Attorney Kamala Harris and the San Francisco District Attorney's Office.

Specifically, I am requesting copies of the following information regarding District Attorney Harris:

- Titles held, units assigned and salary and per diem payments from 1998 to present.
- Travel and reimbursement expenses from 1998 to present.
- Official calendar from 2004 to present.
- The names and titles of any public employees traveling with Harris on any out of state trips.
- Vehicle allowance and any city or county owned vehicle assigned to Harris from 1998 to present.
- The number of members of Harris' security detail, including their salaries.
- All official email to and from Harris from 1998 to present (in electronic format, please).
- Phone and cell phone records from 1998 to present.

Additionally, I am asking to obtain copies of the following information regarding the San Francisco District Attorney's Office:

- Office budgets from 2003 to present.
- A list of all office employees and their titles in the last two years.
- Any and all work-place related complaints filed against Harris or the office by employees from 2004 to present.

This request reasonably describes identifiable records that are not exempt from disclosure. Therefore, I ask that you please make these documents promptly available. I am also requesting to be notified if some or all of the records noted above are not available for public view.

Please feel free to contact me at (916)552-3090 if you have any questions pertaining to this request.

Sincerely,

Kellee Lanza
MB Public Affairs, Inc.



KAMALA D. HARRIS
District Attorney

Paul Henderson
Chief of Administration

DIRECT DIAL: (415) 553-1845
E-MAIL: Paul.Henderson@sfgov.org

July 12, 2010

Kellee Lanza
MB Public Affairs, Inc.
1215 K Street, Suite 790
Sacramento, CA 95814

RE: Record Request Received 7/1/10

Dear Ms. Lanza:

This letter is in reply to the Public Record Request received by the District Attorney's Office via U.S. mail on July 1, 2010. You made the following eleven requests:

1. *District Attorney Harris's titles held, units assigned and salary and per diem payments from 1998 to present.*
2. *District Attorney Harris's travel and reimbursement expenses from 1998 to present.*
3. *District Attorney Harris's official calendar from 2004 to present.*
4. *The names and titles of any public employees traveling with Harris on any out of state trips.*
5. *Vehicle allowance and any city or county owned vehicle assigned to Harris from 1998 to present.*
6. *The number and members of Harris's security detail, including their salaries.*
7. *All official email to and from Harris from 1998 to present (in electronic format, please).*
8. *Phone and cell phone records from 1998 to present.*
9. *District Attorney Office budgets from 2003 to present.*
10. *A list of all office employees and their titles in the last two years.*
11. *Any and all work-place related complaints filed against Harris or the office by employees from 2004 to present.*

At this juncture, I am writing to inform you that the District Attorney's Office is invoking the fourteen day extension afforded by Govt. Code § 6253(c) in order to fulfill the eleven requests listed above. This extension is required by the need for District Attorney staff members to search for, collect, and appropriately examine a voluminous amount of separate and distinct records.

In consultation with the San Francisco City Attorney's Office, it is the procedure of the District Attorney's Office to handle one request at a time. We will, of course, endeavor to provide the vast number of documents requested in a timely manner, excepting any confidential law enforcement information, any other confidential information, or privileged information as required by the law to protect our victims and witnesses. Our primary commitment will be our duty to maintain public safety.

This procedure is grounded in the doctrine of "implied rule of reason," well established in California case law. *Bruce v. Gregory* (1967) 65 Cal.2d 666, 673 (laws governing public access to records are not absolute, but are subject to an implied rule of reason); *Rosenthal v. Hansen* (1973) 34 Cal.App.3d 754, 761 (construing the California Public Records Act under the rule of reason set forth in *Bruce v. Gregory*). Under this doctrine, City departments may limit the time spent responding to public records requests where a requestor has made numerous requests that take significant time to respond to and where compliance within otherwise applicable time requirements would interfere with the ability of the department's staff to perform their other duties - or to respond to records requests made by other individuals. To hold a City department to strict time requirements irrespective of the burdensome nature of an individual's requests would create a situation allowing a single individual to monopolize the resources of a City department. Such a construction of the Sunshine Ordinance would violate the "rule of reason" that applies to laws governing the public's access to public records.

Given your voluminous request - and mindful of our obligations to all members of the public - we must limit the time we spend responding to your public record requests as necessary to allow us to perform the core functions of the District Attorney's Office: prosecuting criminals, supporting victims, and ensuring the public safety of the people who live, work and visit San Francisco.

I look forward to receiving further information from you.

Sincerely,



PAUL HENDERSON
Chief of Administration



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1215 K Street, Ste. 790 • Sacramento, CA 95814
(916) 552-3090 phone • (916) 720-0334 fax
www.mbpublicaffairs.com

September 2, 2010

Mr. Paul Henderson
Chief of Administration
Office of the District Attorney
850 Bryant Street, Third Floor
San Francisco, CA 94103

Dear Mr. Henderson:

On June 29, 2010, my office requested access to public records pursuant to the Public Records Act (Gov. Code Section 6250 et. seq.). We have not had any contact from your office since we received a letter dated July 12, 2010 requesting an additional 14 days, despite our calls and e-mail to you. You have not responded to this request within the statutory time period. Failure to respond and comply with the Act is subject to enforcement by the courts pursuant to Government Code section 6258.

Further, if compelled to obtain records through court order, the Act also states that the court "shall award costs and reasonable attorney fees." (Gov. Code Section 6259(d).)

This letter will serve to provide you with an additional five days to respond to the original request. If you do not respond within that time, I will seek a court order to compel your compliance. Your immediate response is expected.

Sincerely,

Kellee Lanza
MB Public Affairs, Inc.