

Date: Oct. 13, 2009

Item No. 2

File No. 09051

**SUNSHINE ORDINANCE TASK FORCE
COMPLAINT COMMITTEE
AGENDA PACKET CONTENTS LIST***

- Marilyn Mollinedo v Zoological Society**
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Completed by: Chris Rustom

Date: Oct. 6, 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.

Mollinedo

██████████
Cloverdale, California 95425-3500

707-██████████

██████████@sbglobal.net

August 19, 2009

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

Re. Sunshine Ordinance Complaint and Request for Brown Act Determination

Dear Task Force Members:

Enclosed is a Sunshine Ordinance Complaint regarding the San Francisco Zoological Society which operates the San Francisco Zoo on behalf of the City of San Francisco Recreation and Parks Department.

During the past year members of the Zoological Society Legal Committee have asserted that the San Francisco Zoological Society is not obligated to following the guidelines of the Brown Act. In the attached email correspondence Robert Jenkins, Vice President of Institutional Advancement, states that they only have to follow the requirements of their Lease and Management Agreement with the City of San Francisco. I believe this agreement pre-dates the Sunshine Ordinance which voids that contention. I also assert that this organization, having accepted over \$64 million dollars from the City and County of San Francisco should indeed abide by the Brown Act and the Sunshine Ordinance of the City and County of San Francisco.

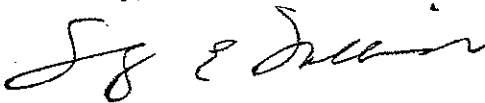
At the March 25, 2008 meeting of the Sunshine Ordinance Task Force, the San Francisco Zoological Society, represented by Director of Human Resources Michael Orosco stated that the Zoological Society supports open government and accepted the Sunshine Ordinance Task Force jurisdiction and stated that all managers would receive training on the Sunshine Ordinance. Obviously Mr. Jenkins did not attend such training and once again the Zoological Society is acting as though they are not bound by the same open government rules as other entities that accept city monies.

I am requesting that the Zoological Society be instructed to abide by the Sunshine Ordinance and Brown Act and release the documents I have requested.

I would also ask that the Sunshine Task Force request a determination from the State Attorney General as to whether or not this organization's activities do fall under the Brown Act guidelines so that this matter is resolved once and for all.

Obviously this organization does not believe that they are under any obligation to observe the rules and regulations of the City and County of San Francisco. A ruling by the State Attorney General will convince them that they are obliged to do business in the public interest and be open and transparent in the way they do business as their current Executive Director has asserted in multiple public meetings over the past 14 months. The Sunshine Ordinance Task Force should act once and for all to ensure that the public's right to know is ensured.

Sincerely,



Marilyn E. Mollinedo

Enclosure: Sunshine Ordinance Complaint
Email correspondence between Complainant Marilyn Mollinedo and San Francisco Zoological Society Vice President of External Affairs Robert Jenkins.
Excerpt of March 25, 2008 Sunshine Ordinance Task Force minutes

San Francisco Zoological Society for alleged failure to provide requested records. Michael Orosco, Director of Human Resources at the Zoological Society, said he supports jurisdiction and that their office supports open government. Motion accepting jurisdiction. (Goldman / Pilpel).

Ayes: Craven, Knee, Cauthen, Comstock, Pilpel, Wolfe, Chan, Goldman, Williams

Excused: Chu

- a. Public Hearing, complaint filed by Deniz Bolbol against the San Francisco Zoological Society for alleged failure to provide requested records. Deniz Bolbol, complainant, said she has received all of the records she requested, however the Zoological Society did not respond in a timely manner to her IDR. Michael Orosco, Human Resources Director, said that they take Sunshine matters seriously and concede that they were late in responding to the request. He said that to prevent a reoccurrence all supervisors and managers are receiving mandatory training on Sunshine. Member Pilpel asked Mr. Orosco to provide a copy of their written Sunshine procedures to the Task Force once they have developed them. Member Knee suggested to Mr. Orosco that they also develop a redaction policy and to provide a copy to the Task Force.

Public Comment: Kimo Crossman said that every employee is a custodian of records and not just the supervisors and managers.

Motion finding a violation of §67.25 for failure to respond in a timely manner.

The Task Force commends the Zoological Society for putting a Sunshine Ordinance training process in place. (Pilpel / Goldman).

Ayes: Craven, Knee, Cauthen, Chu, Comstock, Pilpel, Wolfe, Chan, Goldman, Williams

Excused: Chu

- 10. Report: Compliance and Amendments Committee: meeting of March 12, 2008.

Member Knee made the report.

- 11. 07080a The Compliance and Amendments Committee has referred to the Task Force, for further consideration, their recommendation that the Fire Department be found for violation of the Sunshine Ordinance for failure to produce all requested records, and failure to comply with the Order of Determination issued by the full Task Force on November 27, 2007; that referral, based on that finding, to the Board of Supervisors for investigation and potential enforcement be considered.

Speakers: Dan Boreen, Complainant, said that after four Task Force hearings since November 2007, that violations were found for complaints a, b, c, and d against the Fire Department and Orders of Determinations were issued for numerous violations. He requested a published finding of official misconduct by specific individuals for willful failure to comply and a referral to the Ethics Commission for enforcement. Rhab Boughn, for Respondent, said that all disclosures were done under the guidance of the City Attorney's Office.

Marilyn Mollinedo

From: Bob Jenkins [BobJ@sfzoo.org]
Sent: Friday, August 14, 2009 8:54 AM
To: Marilyn Mollinedo
Subject: RE: Document Request Status

Dear Mrs. Mollinedo,

Thank you for your reply in our correspondence regarding your most recent document request. In the past year, the Zoo has endeavored to cooperate fully with all documents requests to the extent that we believe we have overextended our responses. Therefore, on the advice of counsel, we are now following the requirements of our Lease and Management Agreement, Section 16.2, which specifically lists only the Agenda and Minutes from the Board of Directors meetings. We therefore believe that we have responded appropriately and in a timely manner to your request.

If there are any further questions or concerns, please feel free to contact me at your convenience.

With warm regards,

The Mission of the San Francisco Zoo is to connect people with wildlife, inspire caring for nature and advance conservation action
Robert L. Jenkins V.P. Institutional Advancement San Francisco Zoo
1 Zoo Road
San Francisco, CA 94132
415-753-7108 Voice
415-753-7248 Fax
bobj@sfzoo.org

-----Original Message-----

From: Marilyn Mollinedo [mailto:██████████@sbcglobal.net]
Sent: Tuesday, August 11, 2009 1:29 PM
To: Bob Jenkins
Subject: RE: Document Request Status

Dear Mr. Jenkins,

I find it curious that the Zoological Society is no longer heeding the City's Sunshine Task Force. You may not be aware that in early 2008 the Zoological Society was instructed to comply with the City of San Francisco's Sunshine Ordinance. You are probably also not aware that I requested this same information last summer and was provided that information. At that time all requests for documents were being vetted by the Zoological Society's legal counsel so I assume that it was not provided erroneously.

Unfortunately, I have no other choice but to file a complaint with the City's Sunshine Task Force.

Sincerely,
Marilyn Mollinedo

> -----Original Message-----

> **From:** Bob Jenkins [mailto:BobJ@sfzoo.org]

> Sent: Tuesday, August 11, 2009 5:25 AM
> To: Marilyn Mollinedo
> Subject: RE: Document Request Status

> Dear Mrs. Mollinedo,

> Yes, I am the correct person to direct document requests in the future.

> As to the agenda and minutes from the Executive Committee, we did read your request most carefully, as we do with all such requests.

However,

> the Lease and Management Agreement with the City stipulates that only the agenda and minutes from the Board of Directors meetings are to be considered under our obligations for document requests.

> Please let me know if there are any other issues with this request.

> From: Marilyn Mollinedo [mailto: [REDACTED]@sbcglobal.net]

> Sent: Sun 8/9/2009 11:25 PM

> To: Bob Jenkins

> Subject: RE: Document Request Status

> Dear Mr. Jenkins,

> Thank you for the reply. I received the package on 8 August. I will send a check for the balance tomorrow.

> I am assuming you did not read carefully your item number 2. I requested agendas and minutes for Executive Committee meetings in addition to general board meeting agendas and minutes. I would appreciate receiving those at your earliest convenience.

> I am assuming that you are the correct person to address future request

> for documents unless I hear otherwise,

> Thank you,
>
> Marilyn Mollinedo

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> From: Bob Jenkins [mailto:BobJ@sfzoo.org]
> Sent: Thursday, August 06, 2009 4:29 PM
> To: ██████████@sbcglobal.net
> Subject: Document Request Status

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> Dear Mrs. Mollinedo,

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> Pursuant to your request which was received by Fax on July 27, 2009,
> the
> documents that we are able to provide you are in the mail and on their
> way to the address on your letter. I have taken the liberty of
> emailing
> you the following information so that you may know the status of your
> request.

>
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>
> 1. Roster of all Directors and officers of the San Francisco
> Zoological Society.

>
> a. These are enclosed in the materials.

>
> 2. Agenda and minutes for Board of Directors and Executive
> Committee meetings from September 1, 2008 to present.

>
> a. In accordance with the requirements of our Lease and
> Management Agreement, the Agenda and Minutes for the Board of
> Directors
> are enclosed with the exception of the July 2009 Minutes which have
> not
> yet been approved.

> 3. Current organizational chart of San Francisco Zoo Management.

>
> a. The most current draft of our management organization
> chart is enclosed.

>
> 4. Most recent copy of current year budget showing income and
> expenses and most current financial statement.

>
> a. Fiscal Year 09 has just ended and we have not yet closed
> our books nor have completed our annual audit. Our financial
> statement
> for this period is therefore not available as it does not yet exist.
> However, our most current 990 forms and audited financial statements
> may
> be found on our website at the following address.

>
> i.
>
> <http://www.sfzoo.org/openrosters/ViewOrgPageLink.asp?LinkKey=13966&orgke>
> [y=1900](http://www.sfzoo.org/openrosters/ViewOrgPageLink.asp?LinkKey=13966&orgke)
>
> <http://www.sfzoo.org/openrosters/ViewOrgPageLink.asp?LinkKey=13966&orgk>
> [ey=1900](http://www.sfzoo.org/openrosters/ViewOrgPageLink.asp?LinkKey=13966&orgk)

>
> b. The current operating budget for FY10 has not yet been
> approved and is still in the development stages. We have therefore
> enclosed a copy of the FY09 operating budget.

>
> 5. Invoices from Renne, Sloan, Holtsman, and Sakai from July 2008
> to present. Just the page showing the amount billed for the current
> month and any outstanding balance.

>
> a. The respective invoices are enclosed. Some information
> on them was redacted due to attorney-client privilege.

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> If there are any question or concerns once you have received the
> materials, please feel free to contact me at your convenience.

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>
> The Mission of the San Francisco Zoo is to connect people with
> wildlife,
> inspire caring for nature and advance conservation action

>
> Robert L. Jenkins
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> V.P. Institutional Advancement
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> San Francisco Zoo
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> San Francisco, CA 94132
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> 415-753-7108 Voice

>

> 415-753-7248 Fax

>

> bobj@sfzoo.org

>

>



"Bob Jenkins"
<BobJ@sfzoo.org>
09/11/2009 10:49 AM

To "SOTF" <sotf@sfgov.org>
cc
bcc
Subject RE: Sunshine Complaint Received: #09051_Robert Jenkins
v Zoological Society

Dear Mr. Rustom,

Please be advised that the Zoo requests a prehearing conference regarding this matter, as does the Complainant. We therefore are planning on appearing before the Complaint Committee on October 13, 2009.

Please feel free to contact me at your convenience if there are any questions.

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