

Date: May 12, 2009

Item No. 5
File No. 09018

SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
AGENDA PACKET CONTENTS LIST*

- Anonymous Tenants v Dept. of Bldg. Inspection**
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Chris Rustom

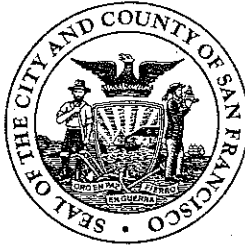
Date: May 7, 2009

***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.

**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
May 5, 2009**

DATE THE DECISION ISSUED
April 28, 2009

ANONYMOUS TENANTS v. DEPARTMENT OF BUILDING INSPECTION (09018)

FACTS OF THE CASE

Anonymous Tenants filed a complaint with the Task Force regarding whether DBI could appropriately charge \$6.50 per page for copies of public records under the Sunshine Ordinance.

COMPLAINT FILED

On March 27, 2009, the tenants filed a complaint against DBI and alleged that DBI allegedly violated the Sunshine Ordinance Section 67.28 for failure to provide an itemized cost analysis establishing that its cost per page impression exceeds 10 cents or one cent as the case may be.

HEARING ON THE COMPLAINT

On April 28, 2009 Complainant Anonymous Tenants appeared before the Task Force and presented his claim. William Strawn, Communications Manager for the Department of Building Inspection, presented the Agency's defense.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Task Force members indicated they were concerned about imposing requirements on enterprise departments that attempt to cover their cost by fee structures. However, the Task Force found that the Department had failed to conduct or provide an "itemized cost analysis" justifying the \$6.50 per page cost as required by section 67.28 or the Ordinance.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated section 67.28 (d) of the Sunshine Ordinance by failing to prepare and post an itemized cost analysis justifying the \$6.50 per page charged by the department. The agency shall appear before the Compliance and Amendments Committee on May 12, 2009, to discuss steps it will take to come into compliance with this Order of Determination.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 28, 2009, by the following vote: (Chu / Knee)

Ayes: Knee, Cauthen, Knoebber, Goldman, Williams, Chu

Recused: Craven-Green

Excused: Washburn, Johnson, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Anonymous Tenants, complainant
William Strawn, Dept of Bldg Inspection
Ernie Llorente, Deputy City Attorney

This page purposely left blank