

Date: Sept. 10, 2008

Item No. 3
File No. _____

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

- Order Of Determination Anonymous Tenants vs Planning Dept**
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Completed by: Chris Rustom

Date: Sept. 5, 2008

***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**



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ORDER OF DETERMINATION
August 4, 2008

DATE THE DECISION ISSUED
July 22, 2008

ANONYMOUS v. PLANNING DEPARTMENT (08023)

FACTS OF THE CASE

Anonymous Tenants state that they repeatedly requested Planning Department Planner Scott Sanchez and Sara Velve to release the complete file regarding a new project at 2642-44 Hyde Street. The City Planners allegedly refused to provide the complete file for review, and provided additional documents only after Complainants followed up and specifically identified additional documents that should have been located in the file.

COMPLAINT FILED

On April 30, 2008, the Anonymous Tenants filed a complaint alleging violations of the Sunshine Ordinance.

HEARING ON THE COMPLAINT

On July 22, 2008, Complainant Anonymous Tenants appeared before the Task Force and presented his claim. Respondent Department was represented by Scott Sanchez and Lulu Wang who presented the Department's defense.

The issue in the case is whether the Department violated Section(s) 67.21, 67.26 & 67.27 of the Ordinance and Sections 6253 & 6255 of the California Public Records Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that the Department failed to adequately explain its response to the public records requests and how and when it complied with the requirements of the Sunshine Ordinance and the Public Records Act. Specifically, it appears from the testimony provided that the Department failed to provide all responsive documents within the 10 day timeframe required by the Ordinance.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Department violated Section(s) 67.21 (b) &(c) of the Sunshine Ordinance which requires a custodian of a public record to comply with a request as soon as possible and within ten days following the receipt of a request for inspection or

ORDER OF DETERMINATION

copy of a public record. The Department shall appear before the Compliance and Amendments Committee on August 13, 2008.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 22, 2008, by the following vote: (Pilpel / Craven)

Ayes: Craven, Knee, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams

Excused: Cauthen, Gokhale, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

- c: Ernie Llorente, Deputy City Attorney
- Anonymous
- Scott Sanchez, Planning Department
- Linda Avery, Planning Department