

Date: March 25, 2008

Item No. 13

File No. 07087

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Referral: Grossman vs. Mayor's Office
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Completed by: Frank Darby

Date: March 19, 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



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

January 8, 2008

January 17, 2008

Allen Grossman
111 – 30th Avenue
San Francisco, CA 94121-1005

Honorable Mayor Gavin Newsom
Mayor's Office
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Complaint #07087 by Allen Grossman against the Mayor's Office for alleged failure to respond to a Immediate Disclosure Request submitted on October 2, 2007, and repeated on October 19, 2007.

Based on the information provided to the Task Force from the Complainant Allen Grossman, and hearing public comment, the following Order of Determination is adopted:

The Sunshine Ordinance Task Force finds the Mayor's Office in violation of Sections 67.21 (b) and (e), and 67.25 (a) of the Sunshine Ordinance and Section 6253 of the California Government Code for failure to provide records, failure to send an authorized representative to the hearing to respond to the complaint, and failure to provide a response within 24 hours with a timeframe for compliance. The Department is instructed to provide the responsive documents that were requested to Mr. Grossman within 5 days after the issuance of this Order of Determination.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on January 8, 2008 by the following vote: (Craven / Cauthen)

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

Excused: Pilpel, Williams

A handwritten signature in black ink, appearing to read "D. Comstock".

Doug Comstock, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Nathan Ballard, Mayor's Office



Allen Grossman
<grossman356@mac.com>

01/22/2008 08:58 AM

To SOTF <soft@sfgov.org>

cc

bcc

Subject SOTF Complaint #07087 Grossman v. Office of Mayor
Newsom

Mr. Darby,

Attached is a copy of my letter today to Mr. Joe Arellano of the Mayor's Office replying to his January 17, 2008 letter to me. Please include it in the "package" (related to the subject complaint) sent to the Compliance and Amendments Committee for its next meeting, which, I believe, is scheduled for February 13, 2008. Please confirm your receipt of this email.

Thank You,

Allen Grossman



Ltr Arellano 012208.pdf

Allen Grossman
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San Francisco, CA 94121-1005
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Email: grossman356@mac.com

BY FACSIMILE (415) 554-6113

January 22, 2008

Mr. Joe Arellano,
Mayor's Office of Communication
Office of the Mayor
San Francisco City Hall, Room 200
San Francisco, CA 9401-4641

Re: SOTF Complaint #07087- Grossman v. Office of Mayor Newsom

Dear Mr. Arenallo;

This will acknowledge receipt of your January 17, 2008 letter last Saturday, the 19th, responding to my October 2, 2007 Immediate Disclosure Request. Your response is more than three months late, in case you didn't notice, given that you didn't offer any reason or explanation for the delay. Not mentioned either is that just to get attention to my request I had to obtain a formal Order of Determination by the SOTF, which required that I file a complaint, attend a SOTF Complaint Committee meeting on that complaint and then attend a full SOTF meeting at which the complaint was heard. Even more to the point, neither the Mayor nor any one on his staff viewed the matter important enough to attend either of those meetings, notwithstanding the requirements of the Sunshine Ordinance. Of course, the time I spent in the process-- six or seven hours -- is not worth anything, whereas your and your colleagues' fully compensated time is far and away much too valuable to waste on a public records request that is mandated by law.

Now to your response. In it you included just four agendas of the Directors' Working Group monthly meetings held during June through September 2007. But none of those agendas has any item relating to the Director of City Greening or either of the two the Interdepartmental Working Group and the Green Vision Council "created" by the Mayor and described in the Mayor's August 2005 press release, I wonder why you thought those four records were responsive to my records request; or why, as there were meetings of the Green Vision Council when Mr. Foster was the Director and later when chaired by Mr. Farrah, there were no meeting agendas, notes taken by either of them, no minutes, no records of persons who attended them, no hand-outs or other materials for the participants, no emails or other communications setting up or otherwise dealing with those meetings? It is simply not creditable that that there are no other public records in response to my request.

In addition your response underscores the cynical attitude of the Mayor's Office regarding two serious matters: First, its disdain and contempt for my rights under both the California Public Records Act and the San Francisco Ordinance to secure public information about the people's business conducted by your Office; second, the extent to which the Mayor relies on his press releases, as opposed to effective actions, to deal with the worsening crisis involving the City's urban forest. I have already been down the latter road with Mr. Ballard, the Mayor's press officer, regarding the Mayor's bogus claims at last year's Arbor Day "event" and all you have done is to prove my case.

Yours Very Truly,


Allen Grossman

Cc: Sunshine Ordinance Task Force



January 17, 2008

Mr. Allen Grossman
111 30th Avenue
San Francisco, CA 94121

Re: October 2, 2007 Immediate Disclosure Request/Complaint #07087

Dear Mr. Grossman,

This letter responds to your "immediate disclosure request" of October 2, 2007.

You requested:

Any and all minutes (including attachments), notices of meetings, meeting agendas (including appended or attached document "packages"), memoranda, notes, emails, communications, letters, or other writings (collectively, "records") maintained by, in the custody of or relating to or in connection with the office of the Director of City Greening, the Interdepartmental Working Group and/or the Green Vision Council, as described in the Mayor's Press Release dated August 11, 2005 (a copy of which is attached hereto) during the period of July 1, 2005 to and including this date.

Our response is as follows:

The Office of City Greening's first director, Marshall Foster, terminated his employment with the City of San Francisco in July 2006. His replacement, Dan Sider, went on leave in mid 2007 and upon his return was re-deployed to a position in the Planning Department. Therefore, the Mayor's Office has no responsive documents regarding the Office of City Greening. However, Mayor Newsom appointed Astrid Haryati as Director of City Greening on January 4, 2008. Once she begins her employment with the city later this year, the Office of City Greening will once again be active.

The Interdepartmental Working Group outlined in the August 11, 2005 press release ceased functioning after the departure of Mr. Foster and Mr. Sider. The meeting has evolved into a "Departments Working Group" that consists of department heads that meet to collaborate and streamline policies. Upon her arrival, Ms. Haryati may decide to re-start the Interdepartmental Working Group meetings, but currently, no meetings are taking place and the Mayor's Office has no responsive documents related to the Interdepartmental Working Group. We have enclosed agendas from the "Departments Working Group" meetings.

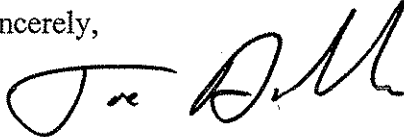
The Green Vision Council was chaired by Mr. Foster and Mr. Sider during their tenure as Greening Director, and subsequently was chaired by Michael Farrah, Senior Advisor to the Mayor, upon their departure. The Council ceased functioning several months ago, but two of its members have since been appointed to commissions, Jane Martin to the Environment Commission, and Topher Delaney to the Arts Commission. Ms. Haryati may decide to re-convene these meetings again upon her arrival, but presently, the Mayor's Office has no responsive documents related to the Green Vision Council.

However, both Mr. Foster and Mr. Sider worked integrally with the Planning Department on greening issues. The Planning Department may have documentation related to Greening, the Interdepartmental Working Group, and the Green Vision Council in their possession.

We recommend that you contact their office to inquire about what documents they may possess.

We sincerely apologize for not being responsive to your request and hope that we can help you in the future with any other inquiries you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Arellano". The signature is fluid and cursive, with the first name "Joe" written in a larger, more prominent script than the last name "Arellano".

Joe Arellano
Mayor's Office of Communications

Cc: Sunshine Ordinance Task Force



DIRECTORS' WORKING GROUP

JUNE 6, 2007
ROOM 201, CITY HALL
11:00 AM TO 12:30 PM

AGENDA

1. **CIVIC CENTER AREA ISSUES**
General coordination of planning

2. **BETTER STREETS PLAN**.....
Review of revised integration strategy; discussion of in-reach concept.
Staff: DPW (Opbroek), Planning (Varat), MTA (Olea)
Requested Action: endorse revised joint scope and in-reach concept

3. **BAYVIEW TRANSPORTATION IMPROVEMENT PLAN (BTIP) UPDATE**
Discussion of actions required to complete construction by August 2012
Staff: DPW (Divine)
Requested Action: informational only

4. **FUTURE AGENDAS & INFORMATION EXCHANGE**.....



DIRECTORS' WORKING GROUP

JULY 18, 2007
ROOM 201, CITY HALL
11:00 AM TO 12:30 PM

AGENDA

1. **CIVIC CENTER AREA ISSUES**
Staff: City Administrator (Lee) & City Planning (Macris)
Requested Action: Short term & long term planning discussion
2. **TRANSIT EFFECTIVENESS PROJECT (TEP)**
Preview of service assessment and timeline/strategy for review process
Staff: MTA (Kirschbaum) & Controller (Allen)
Requested Action: Feedback sought on review process
3. **19th AVENUE/PARK PRESIDIO TRANSPORTATION PLAN**.....
Overview of study purpose and draft conceptual designs
Staff: Transportation Authority (Chang)
Requested Action: Feedback and coordination on plan direction
4. **PARKING HEARING**.....
Update on upcoming GAO hearing on parking availability, parking requirements,
& use of the off-street parking fund
Staff: Transportation Authority (Chang), Planning Department (Rodgers), & MTA (True)
5. **FUTURE AGENDAS & INFORMATION EXCHANGE**.....



DIRECTORS' WORKING GROUP

AUGUST 15, 2007
ROOM 201, CITY HALL
11:00 AM TO 12:30 PM

AGENDA

1. **BETTER STREETS PLAN**.....
Review of revised integration strategy; budget; demonstration projects.
Staff: DPW (Opbroek), Planning (Varat), MTA (Olea)
Requested Action: endorse revised joint scope and budget; clarification on demo projects

2. **BLIND LOW VISION PRIORITIES PROJECT (BLVPP)**.....
Review & Discussion
Staff: Mayor's Office on Disability (Mizner)

3. **TRANSIT EFFECTIVENESS PROJECT (TEP)**
Review of strategic communications
Staff: MTA (Kirschbaum) & Controller (Allen)
Requested Action: Feedback sought on review process

4. **RECREATION & OPEN SPACE ELEMENT PLANNING**
Review & Discussion
Staff: Recreation & Park (Kamalanathan)
Requested Action: Discussion

5. **FUTURE AGENDAS & INFORMATION EXCHANGE**.....



DIRECTORS' WORKING GROUP

SEPTEMBER 26, 2007
ROOM 201, CITY HALL
11:00 AM TO 12:30 PM

AGENDA

1. **INTERAGENCY PLAN IMPLEMENTATION COMMITTEE**
(Administrative Code, Chapter 36. Community Improvements Area Plans & Programs)
Review & Discussion
Staff: Planning (Macris) & (John-Baptiste)

2. **RECREATION & OPEN SPACE ELEMENT PLANNING**
Review & Discussion
Staff: Recreation & Park (Kamalanathan)
Requested Action: Discussion

3. **TRANSIT EFFECTIVENESS PROJECT (TEP)**
Brief Update on Recent Progress
Staff: MTA (Kirschbaum) & Controller (Allen)
Requested Action: Discussion

4. **FUTURE AGENDAS & INFORMATION EXCHANGE**.....

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