

Date: April 28, 2009

Item No. 10 & 11
File No. 09017

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Save Our Richmond Environment v SFPUC
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Completed by: Chris Rustom

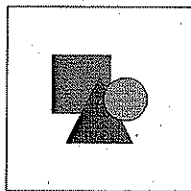
Date: April 24, 2009

***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.

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DENNIS J. HERRERA
City Attorney

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
E-MAIL: ernest.llorente@sfgov.org

MEMORANDUM

April 20, 2009

*SAVE OUR RICHMOND ENVIRONMENT ("SORE") v. THE SAN FRANCISCO
PUBLIC UTILITIES COMMISSION (09017)*

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

On February 13, 2009, a community group named Save Our Richmond Environment ("SORE") made a public records request to the San Francisco Public Utilities Commission for the following information: 1. The number of notices mailed by the Water Quality Bureau in the final quarter of 2008 and in January 2009; 2. The criteria for generating the notices; 3. The managerial personnel whose position descriptions mandate their involvement in selecting and approving these notices; 4. The position descriptions for these managers and their civil service class number, the associated pay range and the length of time in position for each individual; 5. An organization chart setting out the hierarchical position for the identified managers; 6. The support staff personnel whose position descriptions mandate their involvement in the following management directives in preparing and mailing these notices; 7. The civil service class number(s) associated pay ranges and the length of time in position for each support staff person; 8. The identity of the department or bureau or unit tasked with generating these notices; 9. The annual budget for 2006, 2007, and 2008 for the unit, department or bureau; 10. An organizational chart setting out where this unit/department/bureau is within the Public Utilities Department; 11. The costs incurred to hand deliver the enclosed letter to me, the mileage, the vehicle, the civil service class of the person assigned to deliver, the civil service class of the person typing the letter and the pay range; 12. An explanation of backflow devices; 13. The

Memorandum

civil service class of Dan Matis who is identified on the notices. A position description and pay range for Dan Matis. A summary of the results of inspections conducted by the unity to which Matis is associated (or the bureau or department). Matis notes "PASS" on the notices. Explain what that is; 14. What is the software program used to gather the information for these notices?; 15. What comprises the Cross Connection Section mentioned in the notice: Who: Provide the budget and personnel with civil service class and pay range and office location; 16. how many Water Quality Inspectors are employed in your department? What are their civil service class and pay ranges for same?; 17. What unity receives responses to the notices: Where? The budget for that unit? The personnel involved along with class and salary information.

COMPLAINANT FILES COMPLAINT:

On March 27, 2009, Wing Fat who identified himself as Chair of the PUC Committee of the SORE group filed a complaint against the PUC alleging that the PUC did not respond to the Public Records request that was filed on February 13, 2009.

THE RESPONDENT AGENCY STATES THE FOLLOWING:

(As of the date of the drafting of this instructional memorandum, I am not aware of the response if any by the PUC.)

APPLICABLE STATUTORY SECTION:

1. Sunshine Ordinance, San Francisco Administrative Code Section 67.1 addresses Findings and Purpose.
2. Sunshine Ordinance, San Francisco Administrative Code Section 67.21 addresses
3. Sunshine Ordinance, San Francisco Administrative Code Section. 67.26 deals with withholding kept to a minimum.

Memorandum

4. Sunshine Ordinance, San Francisco Administrative Code Section. 67.27 deals with justification for withholding.

5 California Public Records Act, Government Code Section 6253 deals with public records open to inspection; agency duties and time limits. California Public Records Act, Government Code Section 6255 deals with justification for withholding of records.

6. California Constitution, Article I, Section 3 addresses Assembly, petition, open meetings.

APPLICABLE CASE LAW: none

ISSUES TO BE DETERMINED

1. FACTUAL ISSUES

A. Uncontested Facts:

- SORE made a complaint against the PUC alleging that the SORE made a Public Records Request and did not receive a response.

B. Contested facts/ Facts in dispute:

The Task Force must determine what facts are true.

i. Relevant facts in dispute:

- Did the PUC receive a Public Records Request from the SORE?
- Did the PUC respond to the request?
- If so, was the response in compliance with the Sunshine Ordinance?

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS: none

LEGAL ISSUES/LEGAL DETERMINATIONS;

- Were sections of the Sunshine Ordinance (Section 67.21), Brown Act, Public Records Act, and/or California Constitution Article I, Section three violated?
- Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

Memorandum**THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.**

Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
- 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.
- 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
- 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
- 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
- 6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

Memorandum**ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE) UNLESS OTHERWISE SPECIFIED**

Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.
- (f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.
- (g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

Memorandum

Section 67.21 addresses general requests for public documents.

This section provides:

- a.) Every person having custody of any public record or public information, as defined herein, ... shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

- b.) A custodian of a public record shall as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

- c.) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.
...
- k.) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirement provided in this ordinance.

- l.) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

Section 67.25 provides:

- a.) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business

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on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

b.) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requestor shall be notified as required by the close of business on the business day following the request.

c.) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request

d.) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected.

Section 67.26 provides:

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute.

Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

Section 67.27 provides:

Any withholding of information shall be justified in writing, as follows:

a.) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

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b.) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act of elsewhere.

c.) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

d.) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

The California Constitution as Amended by Proposition 59 in 2004 provides for openness in government.

Article I Section 3 provides:

a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.

b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.

3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.

5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of

Memorandum

permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses. The California Public Records Act is located in the state Government Code Sections 6250 et seq. All statutory references, unless stated otherwise, are to the Government Code.

Section 6253 provides.

- a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the records after deletion of the portions that are exempted by law.
- b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.
- c) Each agency, upon a request for a copy of records, shall within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore....

Section 6253.9 provides:

a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in any electronic format.

b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(1) In order to comply with the provisions of subdivision a.), the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

Memorandum

- (2) The request would require data compilation, extraction, or programming to produce the record.
- c) Nothing in this section shall be construed to require the public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.
- d) If the request is for information in other than electronic format, and the information also is in electronic format, the agency may inform the requester that the information is available in electronic format.
- e. Nothing in this section shall be construed to permit an agency to make information available only in electronic format.
- f) Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.
- g) Nothing in this section shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.
- Section 6255 provides:
- a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.
- b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.



<complaints@sfgov.org>
03/27/2009 03:09 PM

To <soft@sfgov.org>
cc
bcc
Subject Sunshine Complaint

Submitted on: 3/27/2009 3:09:51 PM

Department: SFPUC

Contacted:

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated:

Description: Not providing requested records. See attached.

Hearing: Yes

Pre-Hearing: No

Date: 3/27/09

Name: Save Our Richmond Environment

Address: 535 39th Ave

City: San Francisco

Zip: CA 94121

Phone: 386-8372

Email: mlb52@juno.com

Anonymous:

Confidentiality_Requested: No



SAVE OUR RICHMOND ENVIRONMENT

March 20, 2009

Via facsimile 415 554 7854

Sunshine Ordinance Task Force
Attention: Donna Hall
City Hall, Room 409
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4683

COMPLAINT FOR IGNORANCE BY SFPUC

Our neighborhood organization requested public records from the Public Utilities Department more than 6 weeks ago.

The Department has ignored our request.

We hereby complain and ask your task force to require the department to conform to the Sunshine Ordinance.

Thank you.

WING FAT
Chair
PUC Committee

c: Gavin Newsom
David Chiu
Eric Mar

535 39th Avenue, San Francisco, California 94121-2619
mlb52@juno.com ‡ 415 386 8372 phone & fax ‡

SAVE OUR RICHMOND ENVIRONMENT



13 February 2009

San Francisco Public Utilities Commission
1155 Market Street , 11th floor
San Francisco California
94103-1559

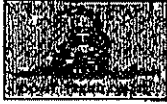
This is a request pursuant to:

Brown Act, California Government code Section.54952(b), San Francisco Administrative Code Section 67, Sunshine Ordinance

Please provide the following information:

I enclose a sample 30 DAY NOTICE on which the following is requested:

1. The number of notices mailed by the Water Quality Bureau in the final quarter of 2008 and in January 2009.
2. The criteria for generating the notices.
3. The managerial personnel whose position descriptions mandate their involvement in selecting and approving these notices.
4. The position descriptions for these managers and their civil service class number, the associated pay range and the length of time in position for each individual.
5. An organization chart setting out the hierarchical position for the identified managers.
6. The support staff personnel whose position descriptions mandate their involvement in following management directives in preparing and mailing these notices.
7. The civil service class number(s), associated pay ranges and the length of time in position for each support staff person.
8. The identity of the department or bureau or unit tasked with generating these notices.
9. The annual budget for 2006, 2007, and 2008 for the unit, department or bureau.



2-2-2 PUBLIC UTILITIES COMMISSION
13 February 2009

10. An organization chart setting out where this unit/department/bureau is within the Public Utilities Department.
11. The costs incurred to hand deliver the enclosed letter to me: the mileage, the vehicle, the civil service class of the person assigned to deliver, the civil service class of the person typing the letter and the pay range.
12. An explanation of backflow devices.
13. The civil service class of Dan Matis who is identified on the notices. A position description and pay range for Dan Matis. A summary of the results of inspections conducted by the unit to which Matis is associated (or the bureau or department). Matis notes "PASS" on the notices. Explain what that is.
14. What is the software program used to gather the information for these notices?
15. What comprises the Cross Connection Section mentioned in the notice? Who? Provide the budget and personnel with civil service class and pay range and office location.
16. How many Water Quality Inspectors are employed in your department? What are the civil service class and pay ranges for same?
17. What unit receives responses to the notices? Where? The budget for that unit? The personnel involved along with class and salary information.

Please provide your response to Save Our Richmond Environment, 535 39th Avenue, San Francisco, California 94121-2619. (415-386-8372)

Thanks for your prompt cooperation.

535 39th Avenue, San Francisco California 94121-2619



"mlb52@juno.com"
<mlb52@juno.com>
03/24/2009 11:10 AM

To soft@sfgov.org
cc
bcc
Subject complaint form

Thanks very much for responding. Your procedures you referred me to provide for the Administrator completing the form. What information do I need to provide to help the Administrator do this?
Thanks very much.

Wing Fat
PUC Chair
Save Our Richmond Environment

Click to get free auto insurance quotes from top companies.
<http://thirdpartyoffers.juno.com/TGL2131/fc/BLSrjnsHEaBqzxXatgZf3RtkMAvCmPrGw4OXpA3LLxwAMiNQ26YpTeP0T9e/>

SAVE OUR RICHMOND ENVIRONMENT



March 24, 2009

via fax 415 554 7854
 Kristin Chu, Chairwoman
 Sunshine Ordinance Task Force
 City Hall
 San Francisco, California
 94102

via fax 415 554 4747
 Paul Zarefsky
 Deputy City Attorney
 City Hall, Room 234
 San Francisco, California
 94102

Dear Chairwoman Chu and Deputy City Attorney Zarefsky:

The Sunshine Ordinance Task Force denies our complaint by returning it to us and requiring us to follow *ad hoc* procedures. SOTF procedure provides that a complaint may be filed by fax. Following filing, the SOTF Administrator completes a SOTF form and provides complainant with a copy.

Save Our Richmond Environment (SORE) filed a complaint March 20th. It was returned to us with a procedure not promulgated by the SOTF nor available to the public. Our complaint was summarily denied because of the arbitrary practice of the SOTF.

Incidental to the denial, follow-up telephone calls or emails to determine why established procedure is not acceptable are responded to by a Chris Rustom, Administrator and Frank Darby, Administrator (at 554 7724) with confusing and misleading directions.

This a subtle, effective way to stifle citizen input and cast shadows on City government rather than sunlight.

Since the SOTF has adopted *procedures du jour* our complaint about *another* City agency is effectively denied. SORE anticipated a fair, reasoned review. Instead secrecy reared its ugly head.

May we please file a complaint?

Respectfully,


 WING FAT
 Chair
 PUC Committee

c: David Chiu, President, Board of Supervisors
 Eric Mar, Member, Board of Supervisors

535 39th Avenue, San Francisco, California 94121-2619
 mlb52@juno.com † 415 386 8372 phone & fax †

SAVE OUR RICHMOND ENVIRONMENT



March 30, 2009

Sunshine Ordinance Task Force
Kristin Chu, Chair
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, California
94102-4689

complaint number 09017

Chairperson Chu:

Thank you for having your Administrator confirm that our complaint *was* filed though we question why it was only accepted days after it was received by your office.

The **PROCEDURES** that accompanied the acceptance letter have still not been followed. It appears that your Task Force complies when convenient and doesn't when it isn't convenient.

Will we receive our copy of the complaint form permitting us to elect to have a hearing before the Task Force or not? The SOTF acceptance transmittal already identifies dates for hearings though your procedure indicates dates are set *after* we receive your complaint form.

Please promptly inform us whether your procedure is going to be adhered to or if not, why not. Is a complaint form being prepared and transmitted and if not, why not. We do not accept the hearing dates as given because you are violating your own procedures.

Thank you for promptly responding.

Respectfully,

WING FAT
Chair
PUC Committee 

c: Dennis Herrera
David Chiu
Eric Mar

535 39th Avenue, San Francisco, California 94121-2619
mlb52@juno.com ‡ 415 386 8372 phone & fax ‡



"Public Records"
<PublicRecords@sfgwater.org
>
Sent by: "Gautier, Suzanne"
<SGautier@sfgwater.org>

To "SOTF" <sotf@sfgov.org>
cc "Winnicker, Tony" <TWinnicker@sfgwater.org>
bcc
Subject Sunshine Complaint 09017 - SORE vs. SFPUC

04/13/2009 05:16 PM

This is to acknowledge receipt of a copy of the documents comprising the complaint 09017 - SORE vs. SFPUC, dated 3/27/2009.

The SFPUC does not dispute the jurisdiction of the Sunshine Ordinance Task Force in the above referenced matter and is prepared to appear before the Task Force on April 28, 2009.

We apologize for our tardiness in responding to the complaint.

The SFPUC has provided Mr. Wing Fat, SORE PUC Chair, with the documents that were requested.

Suzanne Gautier
Communications and Public Outreach
SFPUC