

Date: May 27, 2008

Item No. 10a

File No. 08021

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Complaint by: Kimo Crossman v. CAO**
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Completed by: Frank Darby

Date: May 21, 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.



<complaints@sfgov.org>  
04/30/2008 10:16 AM

To <soft@sfgov.org>  
cc  
bcc

Subject Sunshine Complaint

History

This message has been forwarded.

Submitted on: 4/30/2008 10:16:55 AM

Department: City Attorney's Office

Contacted: Buck Delventhal

Public\_Records\_Violation: Yes

Public\_Meeting\_Violation: No

Meeting\_Date:

Section(s)\_Violated: 67.21 (a), 67.20 (b), 67,22 (b), 67.22 (c)

Description: I called Mr. Delventhal and asked to speak with him about the Sunshine consulting meeting between himself and Supervisor Maxwell and Peskin staff.

He refused to assist me and referred me immediately to Matt Dorsey claiming that only the PIO has to provide oral info. A close reading of Sunshine shows that the Public may ask for oral Public Information or even written inquiries which take less than 15 mins to respond to. And frankly it makes sense that all city staff shouldn't be able to say they can't answer any questions please only talk to the Spokesperson. He did not indicate that this interrupted his operational duties, he just said no you need to speak to Matt Dorsey and then hung up on me. I was polite.

Hearing: Yes

Date: 4/18/2008

Name: Kimo Crossman

Address:

City:

Zip:

Phone:

Email: kimo@webnetic.net

Anonymous:



"Kimo Crossman"  
<kimo@webnetic.net>  
04/24/2008 11:41 PM

To "SOTF" <sotf@sfgov.org>  
cc <buck.delventhal@sfgov.org>, <islaiswharf@gmail.com>, <home@prosf.org>, <w\_lanier@pacbell.net>  
bcc  
Subject RE: Sunshine Complaint Buck Delventhal - CA refused to provide Oral Public Info under Sunshine.

SOTF,

Please add the following to the meeting packet for this complaint:

Apparently Mr. Delventhal has a long tradition of refusing to provide Public Information under Sunshine:

Excerpt from San Francisco Bay Guardian,  
"Party Cloudy, S.F.'s landmark Sunshine Initiative has helped open up city hall - but some serious problems remain.  
By Cassi Feldman  
March 21<sup>st</sup> 2001

....

Helping and hindering

Section 67.21(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....

This is a fairly subjective requirement, but it's important to the average citizen, who may not know exactly what documents he or she is looking for. We called and visited several department offices and asked them for specific pieces of information, and some were extremely helpful. Greg Hobson, assistant clerk of the Board of Supervisors, for example, offered to show us how to use a database to search for our request.

Others were much more reluctant to help. We asked Nathan Ballard, spokesperson for the City Attorney's Office, for a simple list of his department's personnel. First he said that he had already sent such a list to the Bay Guardian; later he said he simply didn't have one. (Renne herself routinely declines Bay Guardian interviews, referring calls to Ballard. **Buck Delventhal, Renne's chief deputy, refuses to talk with Bay Guardian reporters at all.**)



"Kimo Crossman"  
<kimo@webnetic.net>  
04/21/2008 09:31 AM

To "SOTF" <sotf@sfgov.org>  
cc  
bcc  
Subject RE: Sunshine Complaint Buck Delventhal - CA refused to provide Oral Public Info under Sunshine.

Please correct this to:

Section(s)\_Violated: 67.21 (a), 67.20 (b), 67.22 (b), 67.22 (c)

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**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Friday, April 18, 2008 3:40 PM  
**To:** 'SOTF'  
**Cc:** buck.delventhal@sfgov.org; 'Allen Grossman'; 'islaiswharf@gmail.com'; 'home@prof.org'; 'w\_lanier@pacbell.net'  
**Subject:** Sunshine Complaint Buck Delventhal - CA refused to provide Oral Public Info under Sunshine.  
**Importance:** High

Submitted on: 4/18/08

Department: City Attorney Buck Delventhal

Contacted: Buck Delventhal

Public\_Records\_Violation: Yes

Public\_Meeting\_Violation: No

Meeting\_Date:

Section(s)\_Violated: 67.21 (a), 67.21-1 (b), 67.22 (b), 67.22 (c)

I called Mr. Delventhal and asked to speak with him about the Sunshine consulting meeting between himself and Supervisor Maxwell and Peskin staff.

He refused to assist me and referred me immediately to Matt Dorsey claiming that only the PIO has to provide Oral info. A close reading of Sunshine shows that the Public may ask for Oral Public Information or even written inquiries which take less than 15 mins to respond to. And frankly it makes sense that all city staff shouldn't be able to say they can't answer any questions please only talk to the Spokesperson. He did not indicate that this interrupted his operational duties, he just said no you need to speak to Matt Dorsey **and then hung up on me.** I was polite.

67.20 (b) "Public Information" shall mean the content of "public records" as defined in the

California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication.

**SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS;  
ADMINISTRATIVE APPEALS.**

(a) Every person having custody of any public record or **public information**, as defined herein, (hereinafter referred to as a custodian of a public record) 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.

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**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Friday, April 18, 2008 3:30 PM  
**To:** buck.delventhal@sfgov.org  
**Subject:** RE: You are mistaken see 67.22 (b) - provides for oral info from specific person.

Written inquiries too – which take less than 15 mins to answer

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**From:** Kimo Crossman [mailto:kimo@webnetic.net]  
**Sent:** Friday, April 18, 2008 3:28 PM  
**To:** buck.delventhal@sfgov.org  
**Subject:** You are mistaken see 67.22 (b) - provides for oral info from specific person.  
**Importance:** High

**SEC. 67.22. RELEASE OF ORAL PUBLIC INFORMATION.**

Release of oral public information shall be accomplished as follows:

(b) The role of the person or persons so designated shall be to provide information on as timely and responsive a basis as possible to those members of the public who **are not requesting information from a specific person.** This section shall not be interpreted to curtail existing informal contacts between employees and members of the public when these contacts are occasional, acceptable to the employee and the department, not disruptive of his or her operational duties and confined to accurate information not confidential by law.

(c) No employee shall be required to respond to an inquiry or inquiries from an individual if it would take the employee more than fifteen minutes to obtain the information responsive to the inquiry or inquiries.

