

Date: June 22, 2010

Item No. 17 & 18  
File No. 10022

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Suzanne Dumont against the Recreation & Parks Department**
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Completed by: Chris Rustom

Date: June 17, 2010

**\*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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**MEMORANDUM**

*June 15, 2010*

*SUZANNE DUMONT V. RECREATION & PARKS DEPARTMENT (10022)*

**COMPLAINT**

**THE COMPLAINANT ALLEGES THE FOLLOWING:**

Complainant Suzanne Dumont alleges that the Recreation and Parks Department (the "Department") failed to adequately respond to her Public Records Request for the names of persons on the selection panel for the Stow Lake Boathouse Concession RFQ. The Department responds that the information sought by complainant may not be disclosed under the Ordinance until after the selection is made during the competitive bidding process.

**COMPLAINANT FILES COMPLAINT:**

On May 3, 2010, Ms. Dumont filed a complaint with the Task Force alleging a violation.

**JURISDICTION**

Recreation and Parks is a department of the City; therefore the Task Force has jurisdiction to determine whether there was a violation.

**APPLICABLE STATUTORY SECTION(S):**

**Section 67 of the San Francisco Administrative Code:**

- Section 67.21 deals with responses to a public records request and the format of requests and of responsive documents.
- Section 67.24(e)(1) deals with public information that must be disclosed regarding bidding process for public contracts, bids, and proposals.
- Section 67.26 deals with withholding of records.
- Section 67.27 deals with written justification for withholding of records.

**Section 6250 et seq. of the Cal. Gov't Code**

- Section 6253 deals with provision of public records and time of response.

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**ISSUES TO BE DETERMINED**

**Uncontested Facts:** Complainant alleges that, on an unspecified date, members of the Save the Stow Lake Boathouse Coalition asked Department staff for the names of members of the panel to evaluate response to the RFQ issued by the Department for operators of the Stow Lake Boathouse, but received only promises of a response that never came. Complainant further alleges that on 4/8/10, she requested the names of panel members in writing. Nicholas Kinsey responded for the department that the names of panel members would not be released until after the selection process was completed, so as not to jeopardize the integrity of that process. Ms. Dumont further alleges that she made the same request directly to Olive Gong of the Department on 4/20/10, and received the same response.

**Contested Facts:** The Department alleges that the Ordinance does not require release of the names of the panel members reviewing response to an RFQ until after the completion of the selection process. Complainant disputes this reading of the Ordinance and asserts that such names have been released in the past on other projects by the Department, as well as other departments, prior to selection.

**LEGAL ISSUES/LEGAL DETERMINATIONS:**

- Does Section 67.24(e)(1) allow the Department to withhold the release of names of selection panel members prior to the selection being made?
- If the facts alleged by complainant are true, was there a violation of the state and/or local public records law?

**SUGGESTED ANALYSIS****Under Section 67.21 of the Ordinance:**

- Determine whether the Department timely responded to the request.

**Under Section 24(e)(1) of the Ordinance:**

- Determine whether, under this section, the Department may withhold the release of names of selection panel members prior to the selection being made.

**Under Section 67.26 of the Ordinance:**

- Determine whether the Department withheld records and if so, whether the withholding complies with the requirement to keep withholding to a minimum.

**Under Section 67.27 of the Ordinance:**

- Determine whether the Department's asserted justifications, if any, for any responsive documents violate this provision requiring a written justification for withholding.

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**CONCLUSION**

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

**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.

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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.

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

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

(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.

(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.

**SEC . 67.24. PUBLIC INFORMATION THAT MUST BE DISCLOSED**

(e) Contracts, Bids and Proposals

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(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. [ . . . ] *The names of scorers, graders or evaluators*, along with their individual ratings, comments, and score sheets or comments on related documents, *shall be made immediately available after the review or evaluation of a RFP has been completed.*

## SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

*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.

## SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

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

## CAL. PUBLIC RECORDS ACT (GOVT. CODE §§ 6250, ET SEQ.)

## SECTION 6253

(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 record after deletion of the portions that are exempted by law.

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(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 therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.



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DIRECT DIAL: (415) 554-3914  
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June 7, 2010

Nick Goldman, Chair  
Members of the Complaint Committee

Re: Suzanne Dumont v. Recreation & Parks Department (10022)

Dear Chair Goldman and Members of the Complaint Committee:

This letter addresses the issue of whether the Sunshine Ordinance Task Force ("Task Force") has jurisdiction over the complaint of Suzanne Dumont against the Recreation and Parks Department (the "Department").

#### BACKGROUND

Complainant Suzanne Dumont alleges that the Department failed to adequately respond to her Public Records Request for the names of persons on the selection panel for the Stow Lake Boathouse Concession RFQ. The Department responds that the information sought by complainant may not be disclosed under the Ordinance until after the selection is made during the competitive bidding process.

#### COMPLAINT

On May 16, 2010, Ms. Dumont filed a complaint with the Task Force alleging a violation.

#### SHORT ANSWER

Based on Complainant's allegation, it would appear that the Sunshine Ordinance Task Force *does* have subject matter jurisdiction over the allegations, which if true, could constitute a violation of state or local public meetings laws.

#### DISCUSSION AND ANALYSIS

Recreation and Parks is a department under the Sunshine Ordinance. The Task Force therefore appears to have jurisdiction to hear a public records complaint.





<complaints@sfgov.org>  
05/03/2010 02:14 PM

To <soft@sfgov.org>  
cc  
bcc

Subject Sunshine Complaint

To:soft@sfgov.org  
Email:complaints@sfgov.org  
DEPARTMENT:Recreation Park Department &  
CONTACTED:Nick Kinsey  
PUBLIC\_RECORDS\_VIOLATION:Yes  
PUBLIC\_MEETING\_VIOLATION:No  
MEETING\_DATE:  
SECTIONS\_VIOLATED:

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DESCRIPTION:Save the Stow Lake Boathouse Coalition has requested the names of the persons on the selection panel for the Stow Lake Boathouse Concession RFQ. In 2009 the entire list of names of the selection panel for the Outside Lands contract was public before, during and after. So unless there have been changes in the Sunshine law since 2009 we do not understand why we are being refused the names of the persons who will decide the fate of the Boathouse. Here's the text of the email from Nick Kinsey on 4/14/10 refusing to give us the names: Suzanne, Sorry for my delay in responding, I was soliciting guidance from the City Attorney's office. In order to not jeopardize the competitive bidding process, the composition of the selection panel is not public record until after the selection has been made. I'm sure you can understand the City's need to protect the integrity of the process. I can assure you that the composition of the panel is consistent with the what is outlined below. Thanks, Nick Nicholas A. Kinsey Property Manager San Francisco Recreation and Park Department McLaren Lodge 501 Stanyan Street San Francisco, CA 94117 After this refusal we made a 2nd request to Olive Gong in RPD, and this is the text of her response on 4/20/10: Dear Ms. Dumont, I have received your request for records and am not able to release the records you seek until after the selection process. Thank you for your interest in SF Recreation and Park, Olive Gong So we would appreciate your assistance at this time. Thank you.Suzanne

HEARING:No  
DATE:  
NAME:  
ADDRESS:  
CITY:  
ZIP:  
PHONE:  
CONTACT\_EMAIL:  
ANONYMOUS:  
CONFIDENTIALITY\_REQUESTED:Yes



Mayor Gavin Newsom  
Philip A. Ginsburg, General Manager

May 26, 2010

Honorable Members  
Sunshine Ordinance Task Force  
c/o Frank Darby, Administrator  
1 Dr. Carlton B. Goodlett Place  
Room 244  
San Francisco, CA 94102-4689

**Re: Complaint #10022 Suzanne Dumont vs Recreation and Parks Department**

Dear Task Force Members:

This letter is in response to Complaint #10022, filed by Ms. Suzanne Dumont against the Recreation and Park Department, a copy of which was received by the Department on May 3, 2010.

The complaint concerns Ms. Dumont's request for the names of the selection panel members that are reviewing Statements of Qualification received in response to a Request for Qualifications soliciting an operator for the Stow Lake Boat House. On April 8, 2010, Department staff received a request from Ms. Dumont for the panel's membership. Department staff subsequently consulted with the City Attorney's Office and was informed that Section 67.24(e)1 of the City's Administrative Code stipulates that such information not be released until after the evaluation process is complete.

On April 14, 2010, Department staff informed Ms. Dumont of the relevant provisions of the Sunshine Ordinance and that the panel's composition would be publicly available immediately upon completion of the evaluation process. On April 20, 2010, Ms. Dumont submitted a formal Sunshine Request to the Department. On April 20, 2010, Department Staff responded to Ms. Dumont's request, again informing her that such information is not released until the evaluation is completed. (See Exhibit A)

If I can be of further assistance to the Task Force, please do not hesitate to contact me.

Sincerely,

  
Olive Gong  
Custodian of Records, SFRPD

Exhibit A

From: Olive Gong/RPD/SFGOV  
To: Suzanne Dumont <zangsf1@gmail.com>  
Date: 04/20/2010 12:53 PM  
Subject: Fw: Immediate Disclosure Request under Sunshine Ordinance re Stow Lake

Dear Ms. Dumont,

I have received your request for records and am not able to release the records you seek until after the selection process.

Thank you for your interest in SF Recreation and Park,  
Olive Gong

.....  
Olive Gong  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan St., SF CA 94117  
olive.gong@sfgov.org email

*Reduce, Reuse, Recycle*



Golden Gate Park Preservation Alliance ©

*"Destroy a public building and it can be rebuilt in a year; destroy a city woodland park and all the people living at the time will have passed away before its restoration can be effected."*

William Hammond Hall, Surveyor  
First Superintendent of Golden Gate Park

June 10, 2010

Sunshine Ordinance Task Force  
City Hall  
San Francisco, CA

Complaint No. 10022

Commissioners:

I have been asked to describe my experience serving on the Outside Lands concert selection panel in January, 2009.

First some background -- As a member of the Steering Committee for the Golden Gate Park Preservation Alliance, I had visited the site of the previous Outside Lands Concert and become concerned about the negative impact on Golden Gate Park. As a result, GGPPA wrote memos to the Recreation and Park Commission regarding the impact on Golden Gate Park by this large event. When we learned that there would be a contract for 3 to 5 years for the next set of concerts, our group was very concerned. We requested publicly, at least once verbally at the Commission, and also in writing to the Commission, that we be included on the selection committee. We were pleased to be selected to serve as a representative of the community.

Serving on the panel --After we were given the proposals, I was asked not to reveal the names of the promoters who submitted proposals or the contents of the proposals until the selection process was completed. The names of my fellow panel members were clearly listed in the address line of the e-mails regarding the proposals. However, I do not recall being asked at any time to conceal my participation in the panel or the names of my fellow selection panel members.

Sincerely,

Katherine Howard  
Member, Steering Committee  
Golden Gate Park Preservation Alliance

cc: Suzanne Dumont, Save the Stow Lake Boathouse Coalition

Sunshine Ordinance Task Force  
1 Dr. Carlton B. Goodlett Place - Room 244  
San Francisco, CA 94102-4689  
[sotf@sfgov.org](mailto:sotf@sfgov.org) - sent by email 6/13/10

RE: Complaint #10022 - Suzanne Dumont vs. Recreation & Parks  
Department

June 13, 2010

Dear Sunshine Ordinance Task Force,

Thank you for hearing this complaint regarding the secrecy of the names of the persons on the selection panel for the Stow Lake Boathouse concession RFQ.

I am seeking the names on behalf of Save the Stow Lake Boathouse Coalition, a grassroots volunteer group of Stow Lake users and fans, several neighborhood groups and preservation groups, 1,900 community signers on our petition, and the San Francisco Chapter of the Sierra Club. We made this request to insure that the community is fairly represented on the panel, as Recreation & Parks (Rec & Parks) staff have promised to include community representatives many times.

Rec & Parks intends to remove the historic boating operations from the top level of the boathouse and place them down the hill at the parking lot level in the basement of the boathouse. This would make way for an approximately 2,200 sq. ft. café/restaurant that would take up the entire top floor of the boathouse, and would include outdoor seating. Rec & Parks plans for the boats to be trailered up and down pedestrian walkways with gas powered trucks throughout the day. This drastic change of use renders the historic Stow Lake Boathouse into a restaurant with boat storage in the basement. There are several safety, environmental and historic preservation issues and concerns, that Rec & Park repeatedly refuses to address.

## Background

The only outreach done by Rec & Parks to inform the public about their plans for Stow Lake, was in response to a public outcry at the 12/17/09 Rec & Parks Commission meeting chaired by then President Jim Lazarus, who clearly supported the community request for information and who questioned the staff's management of the RFP/RFQ process. Suddenly, after the 12/17/09 meeting, President Lazarus was abruptly removed from the Commission. At the next Commission meeting in January 2010, a new Commissioner, Mark Buell, was introduced as the new President with not a word of thanks or recognition for President Lazarus' work on the Commission.

As a result of President Lazarus' direction at the 12/17/09 meeting, Rec & Parks staff held 2 public meetings regarding the boathouse on 1/12/10 but did no posting or announcements for those meetings, at the boathouse or anywhere a park user or citizen could find it. Our coalition asked Rec & Parks staff to at least post an announcement at the boathouse and this was ignored, as was our request for the meeting announcement to be translated into Chinese & Russian for the many non-English speaking Stow Lake users from those communities. In spite of no outreach on the part of Rec & Parks, approximately 100 people attended the 1/12/10 meetings and told Rec & Parks staff that they had no need or desire for the changes that were being proposed. The public was irritated by Rec & Parks staff who were not listening to their concerns and one person asked: "If it's not broken, why fix it?" Rec & Parks staff calmed the public by promising that their input would be included at every step in the process, including full community representation on the selection panel.

After the 1/12/10 meetings we learned that Rec & Parks staff reported to the General Manager, Phil Ginsburg, in an email dated 1/14/10, that staff dismissed the comments of the public at the meetings, reporting: "a number of people expressed concerns about the proposal, though many of those we believe are veiled attempts to keep the current operator in place." (See Attachment 1).

Rec & Parks has issued multiple failed RFPs for Stow Lake in the last 5 years. They have kept the long-term tenant, Bruce McLellan, on a month-to-month lease for 5 years, even though this tenant has responded to all RFPs that have been issued. Mr. McLellan has a perfect safety record which is amazing considering boats are rented to people who have never stepped foot in a boat before, and pays his rent on time. He turns over approximately



\$200,000 in revenues to the City each year and pays many different City taxes on top of that. We learned that the current tenant reported only \$4,000 a year income on the last 3 years of his taxes, from the boathouse. He has a full time job elsewhere because clearly the net income from the boathouse cannot cover anyone's living expenses. Because the boathouse has been in his family for 65 years and because he loves children, seniors, the public and boating, he continues on in spite of the lack of revenue. During the past 5 years, because of the uncertainty of his status, the tenant has been unable to perform costly capital improvement projects that are needed and that Rec & Parks refuses to fund. Rec & Parks now implies that this deterioration is the fault of a negligent tenant when in fact it is their own mismanagement of the property that is at fault.

The latest RFQ dated 2/4/10, sent out to bid, is so full of errors and omissions that we formally requested the Rec & Parks Commission both in writing and at two different Commission meetings to retract it for revision. We offered to help them to correct it (See Attachments 2,3,4) since we had several successful business people review it and we had gathered information that would make the RFQ accurate. Finally on 3/5/10 Rec & Parks staff issued an Amendment to the 2/4/10 RFQ correcting 2 major errors, but ignoring the majority of the other errors and omissions we had brought to their attention.

Save the Stow Lake Boathouse Coalition has made every attempt to work within the procedures of the Rec & Parks department and the Commission. We have attended countless meetings, sent hundreds of emails and letters, made hundreds of calls and provided them with over 1,900 signatures of support on our petition. We began in December 2009 as naive citizens that believed that Rec & Parks would allow a fair process. We know now that is not the case, having been misled, ignored and deceived. We have learned that the public has no right of appeal on any decision made by Rec & Parks and find that strange in a City that prides itself on inclusion.

### Timeline of Our Request

We requested information and names of the panelists and received promises from Rec & Parks staff for Save the Stow Lake Boathouse Coalition's involvement in the panel. Since we had not been contacted, we began writing our request for the names of the panel members on April 8<sup>th</sup>, 2010 to follow up. In an email response from Nicholas Kinsey dated 4/14/10 we were told that it would jeopardize the integrity bidding process. (See Attachment 5).

A second formal Sunshine Request was made to Olive Gong at Rec & Parks on April 20<sup>th</sup>, 2010 and again we were denied. (See Attachments 6 & 7).

We made several requests to Supervisor Mar for help in "sunshining" the panel names, as Stow Lake is in his district. His office responded by saying that the Sunshine Ordinance forbids the disclosure of the names until after the panel has made an evaluation. (See Attachment 8). We disagree with this interpretation of Sec. 67.24 which clearly provides for all documents, score sheets, etc be available after the review, but does not forbid or encourage the panel names to be held in secret.

### Why the Selection Panelists Names Should be Public

- A. Since almost all of Rec & Parks RFP/RFQ selection panels in the past two years have included a majority of their own staff and even some of their commissioners, (See Attachment 9), we feel this represents a conflict of interest for the department, whose staff collaborates on the RFP/RFQs with the Commission. This skews the results heavily in favor of a small group of insiders who have a poor history of including the public or community in their plans or decisions. The outcome of this panel's decision decides the fate of the beloved boathouse, built in 1946 to replace the original boathouse that was built on the site in 1893, as part of the Midwinter Fair. All of the bid selection is being done behind closed doors, without any of the primary stakeholders: a large community of users, involved. The community of Stow Lake users includes in part a large number of seniors (many of whom are not fluent in English), disabled persons, low-income families seeking affordable recreation and food, persons recovering from illness and injury, the unemployed, the under-employed, etc. The Stow Lake users appreciate the safety, the low-key atmosphere, the flat walking course around the lake as well as the affordability of the quaint snack bar (all items sold are under \$3.50). The boathouse serves as an ad hoc outdoor senior center with many regulars coming every day to meet friends, sit in the sun or under the boathouse eaves. The current boathouse staff tend to these seniors as friends, even at times, attending their funerals because the friendships are that strong. All of these groups would be adversely impacted by the proposed changes, not to mention the wildlife at Stow Lake, which includes the Great Blue Heron Colony that nests every year just across from the boathouse.



Rec & Parks refuses to do an EIR and they dismiss the impact on the human users, the park and the lake.

- B. Other Rec & Parks selection panels have not been held in secret: the panel for the Outside Lands Festival that met in January 2009 was not secret before, during or after deliberations. Members were not directed to conceal their participation for the bidding process for a 3 day concert that had great amount of impact on the community & Golden Gate Park and involved large contractual amounts. (See Attachment 10). Not only is it inconsistent for Rec & Parks to allow openness for one panel and not another, it is a clear attempt to divert the community input and will. Rumors are that Rec & Parks made the decision to keep the Stow Lake RFQ panel secret because of the overwhelming opposition to their plans. There is no group outside of Rec & Parks that supports the Stow Lake RFQ.

Another example of a San Francisco department that makes their panelists and their bios public is the Department of Technology (See Attachment 11). Clearly competition is fierce with technology bids and it makes sense that the public would know who is making these important decisions.

- C. A panel made up of a majority of Rec & Parks staff would clearly have a conflict of interest and would be unable to render objective evaluations of the proposals that they have written or collaborated on. This excerpt from the SF Contracting Ordinance from the Human Rights Commission supports this reasoning (see text in bold on following page).

**" CONTRACTING ORDINANCE**  
*Effective Date: 09/01/06*

*The Human Rights Commission ("HRC") adopts these rules and regulations pursuant to Section 14B.1(C)(3) of the Local Business Enterprise and Non-Discrimination in Contracting Ordinance ("Ordinance"), codified as Administrative Code Chapter 14B.*

*IV. Powers and Duties of Departments*

*F. The award of professional services, general services, and architect/engineering contracts is governed through provisions in Chapter 14B. In addition to those provisions:*

1. *Prior to solicitation of bids or proposals, contract awarding authorities shall provide the Director with a proposed scope of work including an engineer's estimate or project budget breakdown for all professional services, general services, and*

*architect/engineering contracts. Departments shall inform HRC of any prior involvement by outside consultants relating to work contained in the RFP or RFQ.*

2. *The department shall provide HRC with ten (10) business days notice of the dates and times of the selection process. HRC staff may be present throughout the entire selection process.*

3. *The composition of consultant selection panels shall include individuals who reflect the diversity of San Francisco. A brief summary of the ethnicity, gender, expertise, place of business and job title of each panel member should be submitted to HRC not less than ten (10) business days prior to the proposal's due date. **The project manager and any staff who worked on the RFP or RFQ shall not serve on the consultant selection panel. Additionally, no more than 50% of the selection panel shall be from the Awarding Department.***

D. Commissioner Meagan Levitan announced her own participation in the Stow Lake RFQ panel to us in an email to Sandy Weil, a co-founder of Save Stow Lake Boathouse Coalition (See Attachment 12). Therefore the panel's secrecy is already compromised. Rec & Park's own Commission seems unaware of any supposed rule about secrecy that "might protect the integrity of the process."

E. Since City employees are sitting on the panel, we feel they should be responsive to the public who pays their salaries. Their work should not be allowed to be conducted in secret. We have no desire or interest in a person's or organization's net worth or other proprietary financial information. We have no desire to lobby any non-city employee/non-Commissioner panel member who is volunteering their time. We are seeking fairness that can only come with transparency.

F. We applaud the fact that Rec & Parks appears to have involved the community both in the drafting of Coit Tower Concessions RFP/RFQ and by promising to name representatives from the 2 groups to sit on

the selection panel. So why does Rec & Park shut out the Stow Lake community?

This excerpt is from the minutes from 2/4/10 Rec & Park Commission meeting where Rec & Park staff, Mr. Kushner, answers President Buell's question about the selection committee:

***"Commissioner Buell: And the selection committee will consist of?\_\_\_***

***Lev Kushner: We met multiple times with members of the board and then a full presentation to the board as well. We also sent out a draft to the Pioneer Parks Project as well as the supervisor's office, and they all came back with approval. We have agreed to put a representative from the Telegraph Hill Dwellers and Pioneer Park Project on the selection committee".***

### **Closing Statement**

Save the Stow Lake Boathouse Coalition seeks fairness in the RFQ process for the boathouse. We are concerned that Rec & Parks has repeatedly ignored, dismissed and deflected the public's interest, the questions, phone calls, emails, letters and public comments and these actions force us to question the motives of Rec & Parks staff. What are they hiding?

When one realizes that other Rec & Parks selection panels and other city departments have, and do, reveal the names of the panelists while competitive bidding and deliberations are taking place, it is clear that there is an attempt to thwart the public voice with the Stow Lake Boathouse process.

To the best of our knowledge this is the first time a person(s) or group has requested that Rec & Parks provide the names of persons on a selection panel. Therefore this decision by the Sunshine Ordinance Task Force is precedent setting and will hopefully impact other proposals. We believe



public input strengthens our government and that transparency is critical for a strong city.

It is very concerning that any City department is able to conduct our business in this way. Our City officials and employees should be responsive to the public they serve and the public that pays their salaries and benefits.

Save the Stow Lake Boathouse Coalition is very appreciative of the protection the Sunshine Ordinance Task Force affords citizens with the complaint process. If we can provide additional information to you, or answer any questions, please feel free to contact me.

Thank you.

Sincerely,

Suzanne R. Dumont  
Save the Stow Lake Boathouse Coalition  
[Zangsf1@gmail.com](mailto:Zangsf1@gmail.com)  
415.999.5823

Attachments:

1. 1/14/10 Email from Nicholas Kinsey to Phil Ginsburg
2. 2/22/10 Save Stow Lake Boathouse Coalition letter to Rec & Park Commission
3. 3/8/10 Save Stow Lake Boathouse Coalition letter to Rec & Park Commission
4. 3/24/10 Save Stow Lake Boathouse Coalition letter to Rec & Park Commission
5. 4/8/10 Email request for names to Nicholas Kinsey & denial response
6. 4/20/10 Email Sunshine request to Olive Gong
7. 4/20/10 Email from Olive Gong to S. Dumont denying Sunshine request
8. 5/21/10 Email response from Cassandra Costello, Sup. Mar's office
9. Partial list of Rec & Park selection panels rec'd from Olive Gong
10. 6/10/10 letter from Golden Gate Park Preservation, K. Howard re: Outside Lands Festival selection panel
11. Dept. of Technology RFP panel bios available online for the public at [sfgov.com](http://sfgov.com)
12. 5/15/10 Email from Commissioner Meagan Levitan announcing her seat on the selection panel

## ATTACHMENT 1



stow lake  
Nicholas Kinsey to: Phil Ginsburg  
Cc: Rich Hillis

01/14/2010 12:59 PM

Phil,

I wanted to give you an update on this in advance of our meeting later on today. Forgive me if its sprawling, but there is a lot to cover.

You may remember that at Commission, the Stow Lake operator claimed that he was paying a reduced rent because they were on holdover, a point that Rich vigorously denied. The following day (12/18) we looked into the matter and determined this to be false and sent the operator a request for the outstanding rent payments. A Follow-up notice was sent on 12/30 and the rent was received on the sixth.

Additionally, we recently noticed that the Stow Lake Corporation has been over-charging for the boat rentals. For both the row and pedal boats they have been charging \$5 dollars an hour above the Commission approved rates of \$14 and \$19 respectively. On 12/30 we also sent notification of this violation and asked that the prices be immediately lowered. We received no response until we brought the issue up with Bruce in person at the community meeting held on Tuesday. He claimed that they implemented the change in May with the verbal consent of property management. Neither Chris nor Rich have any recollection of this and reviews on Yelp! suggest that the overcharging dates back to January 2008.

We also requested that the operator submit an audit to us by 12/31, and are still awaiting receipt of that document.

On the effort to select a new concessionaire, we held two community meetings on Tuesday. Combined about 100 people attended. A number of people expressed concerns about the proposal, though many of those we believe are veiled attempts to keep the current operator in place. The consistent message that we heard was that nothing be implemented that would impact the serenity of the lake nor people's ability to enjoy a quiet stroll or tai chi in the surrounding environs. We firmly believe that locating an indoor cafe at the site will not unduly impinge on those activities and that the current concessionaire has been stoking public opposition with claims to the contrary.

Following the Commission's direction, we are planning on issuing the RFQ next week and are just working to finalize the building assessment before doing so.

Thanks,  
Nick

Nicholas A. Kinsey  
Property Manager  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan Street  
San Francisco, CA 94117

Tel. (415) 831-2774  
Fax (415) 831-2099

## ATTACHMENT 1





ATTACHMENT 2

Pg 1 of 2

"I love the boathouse" Artist, Blossom Gee

2/22/10

Dear President Buell and Commissioners,

We hope you have a better understanding of Save the Stow Lake Boathouse Coalition's concerns after Suzanne Dumont notified you at the 2/18/10 commission meeting of the massive revenue error, repeated in the last two RFQs. Knowing that the Commission is concerned about fiscal responsibility, we believe you will understand the need for your immediate intervention. We would appreciate if you can ask the City Attorney if this last flawed version of the RFQ can be retracted and reworked. This would be the best scenario for the City, given the wide scope of misrepresentations and omissions in the RFQ, and would prevent legal problems and costly staff time in the future.

Since RPD staff is having significant problems with this RFQ, it seems the Commission needs to insure that all applicants receive an accurate RFQ. There have already been 3 RFP's issued, one RFQ put on hold by the Commission, and now this RFQ which is the 5th attempt. When we spoke with the Legislative Aide at Supervisor Mar's office she said, "I have never heard of it taking so many RFP/Q's to acquire a qualified tenant for a property." As each of you know, a business contract between the city and any individual(s) needs to be based on accuracy. It seems now is the time for the Commission to take a more active role in this process to remedy this ongoing RFQ problem.

**Problems with the latest RFQ dated 2/4/10 that require your immediate attention are:**

Financial/Legal Issues:

1. Electric boats
2. Boat pricing
3. Aeration system in lake
4. Lease start date
5. Affordable food
6. Capital improvements
7. Proof of ability to acquire insurance
8. No mention of seating capacity/size limitation
9. Renovation costs/historic preservation issues
10. 10% City administrative fees for projects over \$5,000
11. EIR

Additional Concerns:

12. Public safety
13. No mention of environmental concerns/no public transportation/parking
14. Community members on selection panel
15. No mention of the disruption to seniors and other primary stakeholders
16. No mention of the new tenant's need to participate and give back to the community
17. Alcohol sales – we want to make sure this cannot be negotiated in the lease now or later, since all other Golden Gate Park cafes/restaurants offer alcohol.
18. Equal treatment to bidders

ATTACHMENT 2

Pg 1 of 2

We are aware of the budget crisis here, and nationwide. But we remain unconvinced that the RPD staff proposal for the boathouse will increase revenue there. On multiple occasions, in one breath RPD says they are not looking to the boathouse for increasing revenues and in the next breath, they say they are. We find these contradictions very unsettling.

Save the Stow Lake Boathouse Coalition has offered additional revenue generating ideas for the bottom floor of the boathouse - a green business/museum/nature/education center with the theme: green and locally made. Other ideas have included increasing revenue at the snack bar by adding more food and beverage options, and merchandise. Due to the extreme variation of daily customer counts due to weather, these ideas would attempt to increase revenue while keeping food waste to a minimum. We would be happy to provide more details to you at your request.

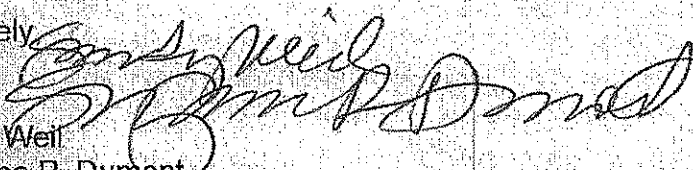
As the public becomes aware of the RPD proposal to place a cafe/restaurant in the top level of the boathouse (with the possibility of the cafe/restaurant being as large as 2,100 square feet) and to relegate the boating concession to the parking lot level, opposition is steadily growing. We already have over 1,200 signatures in support of preservation of the boathouse with no indoor cafe/restaurant addition.

**We would like to meet with you before the next Commission meeting, to assist in any way we can in improving the RFQ.** If the boathouse falls into an ill-prepared, unknowledgeable businessperson's hands, this could well threaten its survival. It would be a huge loss for our City and all who love it, if the historic boathouse ends up abandoned, and subject to demolition as is the fate of the historic and beloved Golden Gate Park Stables.

Our goal is to create RFQ that is clear, fair and takes into account not only financial concerns for the City, but also the tenant, the community concerns, the building itself, and the protection of the serene surroundings. We look forward to hearing from you and meeting with you at your earliest convenience.

Thank you.

Sincerely,



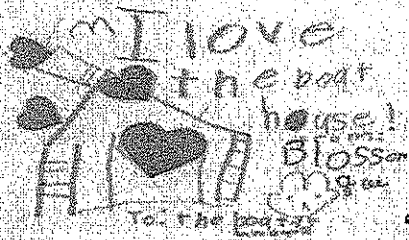
Sandy Weil  
Suzanne R. Dumont  
Save the Stow Lake Boathouse Coalition

Contact Information:  
Suzanne R. Dumont - zangsf1@gmail.com 415.999.5823  
Sandy Weil - savestowlake@aol.com

Emailed to [recpark.commission@sfgov.org](mailto:recpark.commission@sfgov.org)  
USPS mail to: 501 Stanyan St. SF 94117

ATTACHMENT 2

pg 2 of 2



ATTACHMENT 3

pg 1 of 2

"I love the boathouse" Artist, Blossom Gee

3/8/10

Sent by email to [recpark.commission@sfgov.org](mailto:recpark.commission@sfgov.org)  
Sent by USPS mail to: 501 Stanyan St. SF 94117

Dear President Buell and Commissioners,

This is to follow up on letter dated 2/22/10 to you. We very much appreciate that Mr. Kinsey has recently amended the latest RFQ to correct 2 major errors:

1. the misleading revenue on the page 8 chart published in the last two RFQs
2. the premises description so that they no longer include the Log Cabin and Child's Playground in the description of property to be leased as part of the Stow Lake Concession.

It is also very helpful that Mr. Kinsey has put into writing his verbal conversation 2/16/10 with Supervisor's Mar's office about the food concession proposal:

#### **B. Clarification of Food Concession**

The Department wishes to clarify that it envisions that the boathouse concession would be limited to counter service and that proposals which include table-service are discouraged.

Thank you very much for your attention to the above errors. Unfortunately there are still more errors and omissions that require your attention. We continue to ask the Commission to work with the City Attorney to have the still flawed version of the RFQ retracted and reworked. This would be the best scenario for the City, given the many serious misrepresentations and omissions in the RFQ, and would prevent legal problems and costly staff time in the future.

Since RPD staff continues to have difficulty with this RFQ, the Commission needs to insure that all applicants receive an accurate RFQ.

**Problems with the RFQ dated 2/4/10 that require your immediate attention are:**

1. Electric boats
2. Boat pricing
3. Lease start date
4. Affordable food
5. Capital improvements
6. Proof of ability to acquire insurance
7. No mention of seating capacity/size limitation
8. Renovation costs/historic preservation issues
9. 10% City administrative fees for projects over \$5,000

ATTACHMENT 3

pg 1 of 2



ATTACHMENT 3

Pg 2 of 2

- 10. EIR
- 11. Public safety
- 12. No mention of environmental concerns/no public transportation/parking
- 13. Community members on selection panel
- 14. No mention of the disruption to seniors and other primary stakeholders
- 15. No mention of the new tenant's need to participate and give back to the community
- 16. Alcohol sales – we want to make sure this cannot be negotiated in the lease now or later, since all other Golden Gate Park cafes/restaurants offer alcohol.
- 17. Equal treatment to bidders

We continue to offer our assistance to you to in improving the RFP/RFQ process and would like to meet with you before the next Commission meeting. If the boathouse falls into an ill-prepared, unknowledgeable businessperson's hands, this could well threaten its survival. It would be a huge loss for our City and all who love it, if the historic boathouse ends up abandoned, and subject to demolition as is the fate of the historic and beloved Golden Gate Park Stables.

Thank you.

Sincerely,



Sandy Weil  
 Suzanne R. Dumont  
 Save the Stow Lake Boathouse Coalition

Contact Information:

Suzanne R. Dumont - zangsf1@gmail.com 415.999.5823  
 Sandy Weil - savestowlake@aol.com

ATTACHMENT 3

Cc: Mayor Newsom

Supervisors Mar, Avalos, Chu, Elsbernd, Duffy, Chiu, Alioto-Pier, Mirkarimi, Daly, Campos, Maxwell,

Dear President Chan and Commissioners and Mr. Glueberg

It is our understanding that this Department is making an effort to have a diversity of representation on the selection panel as we have requested. Thank you for having been in discussion with Supervisors Mar and Chu to insure that this is the case. This letter will be a primary consideration in the selection panel, including:

- 1) a community representative, preferably a student, from
- 2) a historic preservation expert
- 3) a business or food/beverage expert
- 4) a person with boat management experience

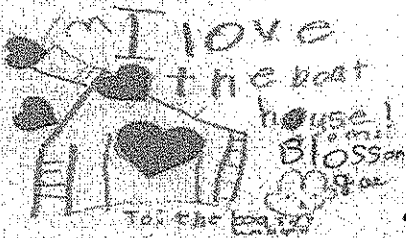
ATTACHMENT 3

Pg 2 of 2

We remain willing and able to assist you in selecting other individuals to ensure the best result for the boathouse.

We continue to be concerned about the accuracy of the Stow Lake Boathouse RFP and our offer to assist with Commission and Red & Park staff in notifying bidders and other stakeholders.

ATTACHMENT 4



"I love the boathouse" Artist, Blossom Gee

3/24/10

Sent by email to [recpark.commission@sfgov.org](mailto:recpark.commission@sfgov.org)  
Sent by USPS mail to: 501 Stanyan St. SF 94117

Dear President Buell and Commissioners and Mr. Ginsburg,

It is our understanding that the Department is making an effort to have a diversity of representation on the selection panel as we have requested. Thank you. We have been in discussion with Supervisors Mar and Chu to insure that this is the case. **They believe there will be 4 non-city representatives on the selection panel including:**


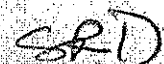
- 1) a community representative (preferably a current, regular user of the boathouse)
- 2) a historic preservation expert
- 3) a business or food/beverage expert
- 4) a person with boat management experience

We remain willing and able to assist you in locating these individuals to insure the best result for the boathouse.

**We continue to be concerned about the accuracy of the Stow Lake Boathouse RFQ and our offer to assist the Commission and Rec & Park staff in rectifying errors and omissions still stands.** If the boathouse falls into an ill-prepared, unknowledgeable businessperson's hands, this could well threaten its survival. It would be a huge loss for our City and all who love it. An abandoned boathouse, subject to demolition as is the fate of the historic and beloved Golden Gate Park Stables, would be a tragedy.

Thank you.

Sincerely,

   
Sandy Weil  
Suzanne R. Dumont  
Save the Stow Lake Boathouse Coalition

Contact Information:  
Suzanne R. Dumont - [zangsf1@gmail.com](mailto:zangsf1@gmail.com) 415.999.5823  
Sandy Weil - [savestowlake@aol.com](mailto:savestowlake@aol.com)

ATTACHMENT 4

Cc: Mayor Newsom, Supervisors Mar, Avalos, Chu, Elsbernd, Dufty, Chiu, Alioto-Pier, Mirkarimi, Daly, Campos, Maxwell,

ATTACHMENT 5

pg 1 of 3

**From:** Nicholas Kinsey <Nicholas.Kinsey@sfgov.org>  
**Date:** April 14, 2010 10:34:49 AM PDT  
**To:** Suzanne Dumont <zangsf1@gmail.com>  
**Subject:** Re: selection panel for Stow Lake RFQ

Suzanne,

Sorry for my delay in responding, I was soliciting guidance from the City Attorney's office. In order to not jeopardize the competitive bidding process, the composition of the selection panel is not public record until after the selection has been made. I'm sure you can understand the City's need to protect the integrity of the process.

I can assure you that the composition of the panel is consistent with the what is outlined below.

Thanks,  
Nick

Nicholas A. Kinsey  
Property Manager  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan Street  
San Francisco, CA 94117

Tel. (415) 831-2774  
Fax (415) 831-2099

**From:** Suzanne Dumont <zangsf1@gmail.com>  
**To:** Nicholas Kinsey <Nicholas.Kinsey@sfgov.org>  
**Date:** 04/08/2010 08:41 PM  
**Subject:** Re: selection panel for Stow Lake RFQ

ATTACHMENT 5

pg 1 of 3



ATTACHMENT 5

Hi Nick,  
Would you please forward the list of the panel members?  
Thanks!  
Suzanne

*pg 2 of 3*

On Mar 17, 2010, at 12:49 PM, Nicholas Kinsey wrote:

Suzanne,

We have begun deliberations on the size and composition of the selection panel. Because these discussions can be lengthy and scheduling becomes exponentially more difficult with each additional panel member, we will most likely be limiting the panel to 5 members. As stated at the community meetings, we will be including a community representative, a historic preservation expert, someone with either a small business perspective or food and beverage experience, and someone with applicable boat management experience. The fifth member will be a representative of the Department's Property Management Division or potentially a member of the Recreation and Park Commission.

Department staff will select each of the panels members on the basis of their expertise, familiarity with Golden Gate Park issues and City contracting processes, and their ability to serve as an objective member of the panel.

We anticipate that within the next week or so the panel's composition will be finalized.

Thanks,  
Nick

Nicholas A. Kinsey  
Property Manager  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan Street  
San Francisco, CA 94117

Tel. (415) 831-2774  
Fax (415) 831-2099

ATTACHMENT 5

*pg 2 of 3*

From: Suzanne Dumont <zangsf1@gmail.com>  
To: Nicholas Kinsey <Nicholas.Kinsey@sfgov.org>  
Cc: Sandy Weil <savestowlake@aol.com>  
Date: 03/16/2010 01:06 PM  
Subject: selection panel for Stow Lake RFQ

ATTACHMENT 5

193 of 3

Hi Nick,

This is to follow up on the selection panel. Has it been formed in readiness for the April 5th deadline? When will community members be chosen and announced? How will community members be chosen? Who will be choosing them?

As previously stated we request there be at least 3 community people on the panel: 1) someone with experience with boat rentals and boating safety/risk management; 2) an expert in wildlife/flora/fauna preservation; and 3) a successful food service representative.

We would be happy to help in selecting or locating these individuals.

Thank you.

Suzanne R. Dumont

ATTACHMENT 5

193 of 3

ATTACHMENT 6

From: Suzanne Dumont <zangsf1@gmail.com>

Date: April 20, 2010 10:01:24 AM PDT

To: olive.gong@sfgov.org

Subject: Immediate Disclosure Request under Sunshine Ordinance

Dear Ms. Gong,

I am asking for an immediate disclosure of the names of all persons on the Recreation & Park Department selection panel for the Stow Lake Boathouse Concession RFQ that is currently being formed or is already formed. I requested this information from Nick Kinsey and his reply is below. It is my understanding that the names of the selection panel for the 2009 *Outside Lands Concert* were public.

Please consider this to be a formal request under the Sunshine Ordinance of the City of San Francisco, Chapter 67.

Thank you.

Sincerely,

Suzanne R. Dumont

Save the Stow Lake Boathouse Coalition

4/14/10

Suzanne,

Sorry for my delay in responding, I was soliciting guidance from the City Attorney's office. In order to not jeopardize the competitive bidding process, the composition of the selection panel is not public record until after the selection has been made. I'm sure you can understand the City's need to protect the integrity of the process.

I can assure you that the composition of the panel is consistent with the what is outlined below.

Thanks,

ATTACHMENT 6



**From:** Olive Gong <Olive.Gong@sfgov.org>  
**Date:** April 20, 2010 12:53:15 PM PDT  
**To:** Suzanne Dumont <zangsf1@gmail.com>  
**Subject:** Fw: Immediate Disclosure Request under  
Sunshine Ordinance re Stow Lake

ATTACHMENT 7

Dear Ms. Dumont,

I have received your request for records and am not able to  
release the  
records you seek until after the selection process.

Thank you for your interest in SF Recreation and Park,  
Olive Gong

---

Olive Gong  
San Francisco Recreation and Park Department  
McLaren Lodge  
501 Stanyan St., SF CA 94117  
olive.gong@sfgov.org email

Reduce, Reuse, Recycle

ATTACHMENT 7

ATTACHMENT 8

From: Cassandra Costello <Cassandra.Costello@sfgov.org> Pg 1 of 3  
Date: May 21, 2010 6:14:33 PM PDT  
To: Suzanne Dumont <zangsf1@gmail.com>  
Cc: Eric L Mar <Eric.L.Mar@sfgov.org>, Sandy Weil  
<SWeil46117@aol.com>  
Subject: Re: Selection Panel for Boathouse RFQ - Say it  
isn't true!

Hi Suzanne,

I have not heard the testimony that Phil gave but I can assure  
you that  
Supervisor Mar has in no way directed the Recreation and Park  
Department to  
keep the names of the Selection Panel from the public.  
Furthermore, I  
believe it is actually against the Sunshine Ordinance for the  
City to  
release the names of the selection panel until after they have  
made an  
evaluation of the RFP. To my knowledge Supervisor Mar nor  
Phil Ginsburg has  
the authority to release the names of the selection panel.  
Please see  
section 67.24 of the Sunshine Ordinance below. I believe it  
speaks to the  
selection panel in the last sentence.

Take care,  
Cassandra

ATTACHMENT 8

Pg 1 of 3



*pg 2 of 3*

CHAPTER 67: THE SAN FRANCISCO SUNSHINE  
ORDINANCE OF 1999

SEC. 67.24. PUBLIC INFORMATION THAT MUST BE  
DISCLOSED.

(e) Contracts, Bids and Proposals.

(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection

*pg 2 of 3*

*pg 3 of 3*

process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.

---

Cassandra Costello  
Legislative Assistant  
Supervisor Eric Mar  
San Francisco District 1  
415-554-7412  
Fax 415-554-7415

Suzanne Dumont  
<zangsf1@gmail.com>  
m>

05/21/2010 09:06  
AM

To

Eric L Mar <Eric.L.Mar@sfgov.org>

cc

Cassandra Costello  
<Cassandra.Costello@sfgov.org>,  
Sandy Weil <SWeil46117@aol.com>

Subject

Selection Panel for Boathouse RFQ -  
Say it isn't true!

*pg 3 of 3*

*Partial List of Selection Panels pg 1 of 2  
at Lee & Park*

ATTACHMENT 9

**2005 COIT TOWER RFP  
Selection Panel**

Ms. Anne Dubinsky  
Concessions  
National Park Service

Mr. Dave Dunn  
Revenue Development  
San Francisco Airport

Mr. Oscar Fernandez  
Small business consultant  
Mission Economic Development Association

*received via email  
from Olive Gong  
6/9/10*

*S. Dumont,*

**2009 OUTSIDE LANDS RFQ  
Selection Panel**

Katharine Howard  
Golden Gate Park Preservation Affiance

Jennifer Matz  
Mayor's Office of Economic Development

Rich Hillis  
Mayor's Office of Economic Development

Jerry Romani  
Department of Real Estate

Michael J. Sullivan  
Recreation and Park Commission

**2009 JAPANESE TEA GARDEN RFP  
Selection Panel**

Douglas R. Dawkins  
President of the DRDC Group, Inc.  
Representing the Hagiwara family.

ATTACHMENT 9

*pg 1 of 2*

pg 2 of 2

ATTACHMENT 9

**Yoshio Nakashima**

Former member of the San Francisco Planning Commission. He currently serves on the Japantown BNP Steering Committee.

**Rich Hillis**

Mayor's Office of Economic Development

**Donna Kotake**

Workforce Development Director for the Department of Human Resources.

ATTACHMENT 9

pg 2 of 2



## Golden Gate Park Preservation Alliance

*"Destroy a public building and it can be rebuilt in a year, destroy a city woodland park and all the people living at the time will have passed away before its restoration can be effected."*

William Hammond Hall, Surveyor  
First Superintendent of Golden Gate Park

June 10, 2010

Sunshine Ordinance Task Force  
City Hall  
San Francisco, CA

Complaint No. 10022

Commissioners:

I have been asked to describe my experience serving on the Outside Lands concert selection panel in January, 2009.

First some background — As a member of the Steering Committee for the Golden Gate Park Preservation Alliance, I had visited the site of the previous Outside Lands Concert and become concerned about the negative impact on Golden Gate Park. As a result, GGPPA wrote memos to the Recreation and Park Commission regarding the impact on Golden Gate Park by this large event. When we learned that there would be a contract for 3 to 5 years for the next set of concerts, our group was very concerned. We requested publicly, at least once verbally at the Commission, and also in writing to the Commission, that we be included on the selection committee. We were pleased to be selected to serve as a representative of the community.

Serving on the panel — After we were given the proposals, I was asked not to reveal the names of the promoters who submitted proposals or the contents of the proposals until the selection process was completed. The names of my fellow panel members were clearly listed in the address line of the e-mails regarding the proposals. However, I do not recall being asked at any time to conceal my participation in the panel or the names of my fellow selection panel members.

Sincerely,

  
Katherine Howard  
Member, Steering Committee  
Golden Gate Park Preservation Alliance

cc: Suzanne Dumont, Save the Stow Lake Boathouse Coalition

ATTACHMENT 10

Golden Gate Park Preservation Alliance

[www.goldengateparkpreservation.org](http://www.goldengateparkpreservation.org)

Page 1 of 1.

**Biographies of TechConnect RFP Selection Panel**

**ATTACHMENT 11**

**Greg Richardson**

Greg Richardson is the founder and Managing Partner for Civitium LLC, the marketing-leading consulting firm for municipal broadband and Digital Community Initiatives. Prior to founding Civitium, he served as the Director of Wireless Consulting for Siemens. Prior to Siemens, Greg was a founder and VP of Professional Services for Wireless Knowledge, a pioneering joint venture between Microsoft and QUALCOMM. He is also a regular speaker at industry conferences.

**Joseph John**

Joseph John is the Manager of the Public Safety Services Division for DTIS and is responsible for implementing, maintaining and operating the City's wireless communications systems. In this capacity Joseph is responsible for the implementation, maintenance and operation of the City's major critical public safety communication systems like the radio systems, 911 dispatch systems, wireless data systems, 911 network, fiber networks etc. Joseph also plays a leading role in implementing many homeland security initiatives for the City. Prior to joining DTIS Joseph was the commanding Officer of the Western Command Signal Regiment of the Indian Army. In this capacity Joseph was responsible for the communication systems for the army's western command. During the tenure in army Joseph provided communication and security services to field formations deployed in peace keeping operations abroad.

**Hans Loffeld**

Hans Loffeld is the IT Director for the San Francisco Public Utilities Commission overseeing a complex technical infrastructure. In this capacity he oversees the design, development, implementation and operation of all business systems, both networked and mainframe based. He is also responsible for the support of more than 1600 desktop and laptop computers that are interconnected via a regional network that consists of landlines and high speed point-to-point wireless data communication links.

**Brian Roberts**

Brian Roberts is DTIS' Senior Policy Analyst and the City's senior telecommunications policy authority. In this capacity, he has negotiated cable franchises, prepared reports on telecommunications planning for the City and on the implementation of open access to cable internet platform, and administered cable franchises for incumbents and new entrants. Prior to joining DTIS, he served as a regulatory analyst at the California Public Utilities Commission, major projects included California universal service proceeding, regional bell company entry in to long distance market and wireless competition. Brian was also on the staff of the Federal-State Joint Board on Universal Service between 1996 and 1999 while the Board worked to implement the 1996 Telecommunications Act.

**Bram Elias**

Bram Elias, a policy analyst at the San Francisco Public Utility Commission, served as the project manager for TechConnect. Prior to working for the City and County of San Francisco,

**ATTACHMENT 11**

**From:** Meagan Levitan <mlevitan@hill-co.com>  
**Date:** May 15, 2010 5:53:39 PM PDT  
**To:** "SWeil46117@aol.com" <SWeil46117@aol.com>  
**Subject:** RE: Would love to talk about Stow Lake...

ATTACHMENT 12

Hi, Sandy:

Well I think I'm just most interested in hearing your concerns about the Stow Lake situation and letting you know where I'm coming from. I really don't want you thinking that those of us who have the vote on this are coming into it with pre-conceived notions of how the bid process should end up. I can't speak for my colleagues except to say we are as interested and concerned as you are that this process result in something that we can all be proud of at Stow Lake.

I am going to be on the bid selection committee and that's starting up in the next week or so, so I'm anxious to connect with you beforehand as I won't be able to talk to you during that process, obviously, and it'll be moot afterwards. FYI, I won't be able to vote on the awarding of the contract since I'll be on the selection committee.

How are you this week? I think I could do Monday afternoon, Tuesday late afternoon and possibly much of Wednesday. Please let me know if any of those days and times could work!

Cheers,  
Meagan  
Meagan Levitan  
Hill & Co. Real Estate  
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**From:** SWeil46117@aol.com [SWeil46117@aol.com]  
**Sent:** Wednesday, May 12, 2010 10:36 AM  
**To:** Meagan Levitan  
**Subject:** Re: Would love to talk about Stow Lake...

ATTACHMENT 12

Hi Meagan:

Thanks for your email. I would imagine that life is extremely hectic with a newborn. Hopefully, things will settle down in 18 years! Can you let me know what specific topics you would like to discuss about Stow Lake? Also, I wasn't sure what ever happened with you being on the selection panel to review the bids? I remember you offering, but what was the outcome?

In the meantime, I'll check my schedule.

Thanks, Sandy