

Date: June 22, 2010

Item No. 8

File No. 10009

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Majeid Crawford against the City Attorney's Office**
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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.

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
May 14, 2010**

DATE THE DECISION ISSUED
May 25, 2010

MAJEID CRAWFORD V CITY ATTORNEY'S OFFICE (10009)

FACTS OF THE CASE

Complainant Majeid Crawford alleges that Jack Song of the City Attorney's Office (the "CAO") failed to respond adequately to his February 9, 2010, public records request. He further alleges that Mr. Song's response was, "We do not have any documents responsive to your request[.]"

COMPLAINT FILED

On March 3, 2010, Mr. Crawford filed a complaint with the Task Force alleging a violation.

HEARING ON THE COMPLAINT

On May 25, 2010, Mr. Crawford presented his case before the Task Force. Mr. Song presented the Respondent agency's defense.

Mr. Crawford told the Task Force he wanted to know how much the CAO charges departments and agencies for work associated with RFPs, RFQs and IFBs; if the fee is on a case-by-case basis; if the fee is related to the size of the project; if departments are charged differently; and if the fee is based on time spent on the project. He also wanted to know the last 20 projects the CAO had completed and how much was charged. He said the CAO should have a database regarding his questions and all that was needed was a printout. The community needs to know which department is paying how much for what, he said. The CAO has not provided any information, he said.

Mr. Song said the CAO does not keep a list or log of the number of RFPs and RFQs it reviews. The office, he said, has a system in which the deputy city attorney bills a department on the time spent on a particular project. He said the Complainant said he felt the office was charging more than it ought to on the Fillmore Muni substation project. He said he contacted the deputy city attorney assigned to the project and was told work on it had not started and therefore there was no dollar figure associated with it. He added that information on how much a department was charged was considered attorney-client privilege and not disclosable.

ORDER OF DETERMINATION

Task Force members voted on multiple motions.

The first motion to find violation of Sec(s) 67.26 and 67.27 was made (Wolfe / Washburn)

Member Snyder said Section 67.21 was more relevant because the department was tardy in its incomplete response. The sections mentioned in the motion were inappropriate because Section 67.26 was about redaction and Section 67.27 was on justification, he said.

Member Snyder then presented a substitute motion.

Motion to find violation of Section 67.21. (Snyder / Cauthen)

Member Wolfe disagreed.

Amended motion to find violation of Sec(s) 67.21, 67.26 and 67.27 (Wolfe/Williams).

On motion to find violation of Sections 67.21, 67.26 and 67.27.

Ayes: Washburn, Wolfe, Williams, Knee

Noes: Snyder, Cauthen, Knoebber, Johnson

Motion fails

On motion to find violation of Section 67.21.

Ayes: Snyder Cauthen, Washburn, Wolfe, Williams

Noes: Knoebber, Johnson, Knee

Motion fails

Member Wolfe made a friendly motion to include Section 67.21 with Sections 67.26 and 67.27. Second agreed.

Member Knoebber proposed separating vote on Section 67.21 from vote on Sections 67.26 and 67.27.

Member Wolfe agreed.

Motion to separate vote on Section 67.21 from vote on Sections 67.26 and 67.27. Without objection.

Motion to find violation of Section 67.21.

Ayes: Snyder, Cauthen, Washburn, Williams

Noes: Knoebber, Wolfe, Johnson, Knee

Motion fails.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force finds that the Respondent violated the Ordinance.

ORDER OF DETERMINATION

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated Section(s) 67.26 and 67.27 of the Sunshine Ordinance by withholding disclosable public information and by failing to justify said withholding. The Respondent shall release the records requested within five business days of the issuance of this Order and appear before the Task Force on June 22, 2010.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 25, 2010, by the following vote:

Ayes: Washburn, Knoebber, Wolfe, Johnson, Williams, Knee

Noes: Snyder, Cauthen



Richard A. Knee, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Majeid Crawford, Complainant
Jack Song, Respondent