

Date: Oct. 25, 2011

Item No. 14 & 15
File No. 11060

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Lars Nyman v Department of Public Works**
- _____
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Completed by: Chris Rustom

Date: Oct. 20, 2011

***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>
09/21/2011 03:41 PM

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

To:soft@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:Department of Public Works
CONTACTED:Frank Lee
PUBLIC_RECORDS_VIOLATION:Yes
PUBLIC_MEETING_VIOLATION:No
MEETING_DATE:
SECTIONS_VIOLATED:
DESCRIPTION:I requested documents from Department of Public Works on 8/19/2011 and re-iterated my request on 8/29/2011 twice but have not yet received the documents requested from them. Thus, I am hereby filing this notice of violation of the Sunshine Ordinance by the Department of Public Works.
HEARING:Yes
PRE-HEARING:No
DATE:9/9/2011
NAME:Lars Nyman
ADDRESS:
CITY:
ZIP:
PHONE:
CONTACT_EMAIL:upwardfacingdog.hotmail.com
ANONYMOUS:
CONFIDENTIALITY_REQUESTED:No



Up Dog
<upwardfacingdog@hotmail.com>

09/09/2011 01:24 PM

To <sof@sfgov.org>

cc Up Dog <upwardfacingdog@hotmail.com>

bcc

Subject Sunshine Ordinance violation complaint

Dear Sir,

I requested documents from Department of Public Works on 8/19/2011 and re-iterated my request on 8/29/2011 twice but have not yet received the documents requested from them. Thus, I am hereby filing this notice of violation of the Sunshine Ordinance by the Department of Public Works.

I have included the original request, the replies from the Department of Public Works and my re-iterated request in the email thread below. To summarize:

- I issued original request on 8/19/2011
- DPW responded on 8/26/2011 but the information requested for item B1 was not included
- I re-iterated and clarified my request on 8/29/2011
- DPW responded on 8/29/2011 by sending the same information as was sent to me on 8/26/2011
- I re-iterated and clarified my request yet again on 8/29/2011
- DPW has not responded

As it is clear from my requests, in item B1 I am requesting any and all documents that authorizes and approves spending \$23,561.80 for "Tree Support". The Department Of Public Works has failed to provide me with such documents.

It is Mr. Frank Lee, Executive Assistant to the Director, Department of Public Works who has handled the request and is failing to provide the requested documents.

Thus, I am filing this complaint of violation of the Sunshine Ordinance by Mr. Frank Lee and by the Department of Public Works.

I also look forward to receiving the information requested.

I would very much appreciate if you could acknowledge the receipt of this email to ensure that this complaint AND request is being processed.

Sincerely,
Lars Nyman

From: upwardfacingdog@hotmail.com
To: frank.w.lee@sfdpw.org
CC: upwardfacingdog@hotmail.com
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?
Date: Mon, 29 Aug 2011 18:23:07 -0700

Dear Mr. Lee,

On 08/12/2011 you wrote:

> We found that there were nine reasons for exceeding the original estimate. They were, as follows:
> ...
> (8) Fabrication and installation of the custom tree support and saddle for the tree branch were also not part of the original estimate

The document you enclosed, dated 07/15/2010, does not mention any fabrication and installation of any custom tree support. This fabrication and installation of the custom tree support and saddle is included as "Tree Support" in the amount of \$23,561.80 in the final cost of the project. This amount, \$23,561.00, is close to 25% of the budget for the project.

I am requesting the document(s) that approves the fabrication and installation of the custom tree support and saddle. Since it was not included in the budget, it must have been approved at some point later prior to its fabrication and installation. The fabrication and installation cost, per your document, is \$23,561.00. I am requesting the document(s) that approves and authorizes spending that amount.

So, I am therefore, yet again, requesting information under the Sunshine Ordinance of the City of San Francisco. I am requesting the document(s) that approves the spending of \$23,561.80 for "Tree Support".

Sincerely,
Lars Nyman

From: Frank.W.Lee@sfdpw.org
To: upwardfacingdog@hotmail.com
Date: Mon, 29 Aug 2011 15:54:53 -0700
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Mr. Nyman:

The original tree support budget of \$4,248.65 was approved in September 2010; this is what I gave to you in response to B1.

The final cost of the tree support ended up being \$23,561.

Sincerely,

Frank W. Lee

Executive Assistant to the Director

Department of Public Works

Tel: (415) 554-6993

Fax: (415) 522-7727

Email: Frank.W.Lee@sfdpw.org

From: Up Dog [mailto:upwardfacingdog@hotmail.com]

Sent: Monday, August 29, 2011 3:08 PM
To: Lee, Frank W
Cc: Up Dog
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Dear Mr. Lee,

Thank you for your response.

However, you failed to provide the information I requested in item B1. I stated:

- > In your prior response you indicated that the cost for
- > "Tree support" was \$23,561.00 but that the cost for "Tree support"
- > was not included in the estimate of cost for the project. I
- > assume the spending of \$23,561.00 for "Tree support" was approved
- > at some point and by someone, therefore I am requesting that
- > information in B1 above.

From the above it should be clear that I was requesting the document(s) approving spending \$23,561.00 for "Tree support". Your response to my request for information in item B1 is a document dated July 2010 and for the amount \$4,248.65. That is not what I requested.

The Department of Public Works in response to my Sunshine Ordinance Requests has stated that:

- the budget for the project was approved in September 2010 and was for the amount \$101,625.50
- the budget did not include any amount for fabrication and installation of the custom tree support
- the total cost of the project ended up being \$229,039.80
- \$23,561.80 of the \$229,039.80 spent on the project was to implement and create "Tree Support"

Included in the total cost is \$23,561.80 for "Tree Support", however the \$23,561.80 for "Tree Support" was not part of the approved budget.

I am therefore, yet again, requesting information under the Sunshine Ordinance of the City of San Francisco. I am requesting the document(s) that approves the spending of \$23,561.80 for "Tree Support".

Sincerely,
Lars Nyman

From: Frank.W.Lee@sfdpw.org
To: upwardfacingdog@hotmail.com
Date: Fri, 26 Aug 2011 17:11:05 -0700
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?
Dear Mr. Nyman:

We are responding to your public records request that we received on August 19, 2011 and are responding within the time frame as specified in the San Francisco Sunshine Ordinance. That Ordinance requires departments to respond as soon as possible or within ten calendar days from receipt of any records requests. See San Francisco Administrative Code § 67.21(b) and California Government Code § 6253(c).

Below are the answers to your questions.

A1 - The itemized estimated budget or cost that I gave to you in response to your last request was the

approved estimated budget or cost for the project.

A2 - The itemized estimated budget or cost for the project was approved in September 2010.

A3 - Edmund Lee of our Infrastructure Design and Construction Division created the estimated budget or cost.

A4 - Ramon Kong of our Infrastructure Design and Construction Division approved the estimated budget or cost.

B1 - Attached are the documents related to the original estimate of the "tree support" that was also approved in September 2010.

The costs that I gave to you does not include cost or payments paid by the City of San Francisco to PG&E for any claims associated with this project.

Sincerely,

Frank W. Lee

Executive Assistant to the Director

Department of Public Works

Tel: (415) 554-6993

Fax: (415) 522-7727

Email: Frank.W.Lee@sfdpw.org

From: Up Dog [mailto:upwardfacingdog@hotmail.com]

Sent: Friday, August 19, 2011 3:44 PM

To: Lee, Frank W

Subject: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Dear Mr. Lee,

This is a request for information under the Sunshine Ordinance of the City of San Francisco. I hope that the department will honor its obligations under the Sunshine Ordinance and will supply requested information in a timely manner.

The information requested is related to the Montgomery/Alta Street tree project that was performed in early 2011.

The information requested is as follows:

A- Information about the estimated budget or cost of the project as it was approved:

A1- the itemized estimated budget of cost of the project that was approved as the project was approved

A2- the date the estimated budget or cost was approved

A3- the name of the person or persons who created the estimated budget or cost

A4- the name of the person or persons who approved the estimated budget or cost

B- Information about approval of cost of "Tree support":

B1- the document(s) that approves spending money on creation of "Tree support"

Note, for the request A1-A4 above, I am referring to the "final" estimated budget, the estimated budget

that was the basis for the project's final approval prior to its start.

In your prior response you indicated that the cost for "Tree support" was \$23,561.00 but that the cost for "Tree support" was not included in the estimate of cost for the project. I assume the spending of \$23,561.00 for "Tree support" was approved at some point and by someone, therefore I am requesting that information in B1 above.

I also have one additional question related to your prior response about the cost of the project. This question is not a request for information under the Sunshine Ordinance per se (yet), but hope you can give me an answer. During the project, there were damages to PG&E infrastructure causing e.g. power outages. PG&E may have submitted claims to the City of San Francisco to re-coup costs for such damages caused by city workers. Did the cost in you provided in your prior response include any cost or payments paid by the City of San Francisco to PG&E for any claims for repair of damages that city workers inflicted on PG&E infrastructure during this project?

I look forward to receiving the information requested.

I would also very much appreciate if you could acknowledge the receipt of this email.

Sincerely,
Lars Nyman



1 Dr. Carlton B. Goodlett Place, City Hall, Room 348
San Francisco, CA 94102
(415) 554-6900 www.sfdpw.org



Edwin M. Lee, Mayor
Mohammed Nuru, Interim Director

September 30, 2011

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

Subject: Sunshine Complaint #11060
Lars Nyman v Public Works

Dear Sunshine Ordinance Task Force:

We researched Mr. Nyman's Public Records Request thoroughly and found that our department did not have the documents that he requested.

On September 9, 2011, we answered Mr. Nyman's Public Records Request that we received on August 30, 2011. We responded to his Public Records Request within the time period as specified in the San Francisco Sunshine Ordinance. That Ordinance requires departments to respond as soon as possible or within ten calendar days from receipt of any records requests.

In that response, we gave to Mr. Nyman the responsive documents that we had and informed him that we did not have any documents that would fit his request for "document(s) that approves the spending of \$23,561.80 for 'Tree Support'." We also explained to him the reason for not having such documents.

Mr. Nyman then followed with two emails asking for clarification. We answered both of these on September 9 and on September 12.

As evidence of our responses, I am attaching the following emails to Mr. Nyman:

- September 9, 2011 email that provided the responsive documents to the August 30, 2011 Public Records Request and explained why we did not have any documents that showed approval of spending \$23,561.80 for the "tree support";
- September 9, 2011 email that confirmed that we did not have any documents showing this approval; and
- September 12, 2011 email that confirmed for the second time that we did not have any documents showing this approval.

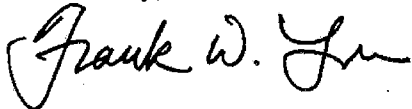


We understand that the Public Records Act requires an agency to make available to any person a copy of an “identifiable record or records” in its possession, unless the record is specifically exempt from disclosure. (Please see California Government Code § 6253(b).) Our obligation under the Sunshine Ordinance, like the Public Records Act, is to produce public records in our custody. (See San Francisco Administration Code § 67.20(b).) There is no requirement that our department or officers construct a document to meet the specifications of any request.

Our research included having Project Manager Ramon Kong – the person that approved of the expenditures – and his staff look for the documents that authorized the spending of funds for the “tree support”. They did not have any and provided the reason, which I shared with Mr. Nyman.

In summary, we believe that our department responded to Mr. Nyman’s request properly.

Sincerely,



Frank W. Lee
Executive Assistant to the Director



Lee, Frank W

From: Lee, Frank W
Sent: Friday, September 09, 2011 4:38 PM
To: 'Up Dog'
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?
Attachments: Tree Support Base.pdf; Tree Saddle.pdf

Dear Mr. Nyman:

We receive almost 300 public records requests a year, and we handle all of them as expeditiously as we can.

For your request, I want to thank you for clarifying what you requested in your email (below), which we received on August 30. Therefore, with this email, we are responding to that request and responding within the time period as specified by the San Francisco Sunshine Ordinance. That Ordinance requires departments to respond as soon as possible or within ten calendar days from receipt of any records requests. See San Francisco Administrative Code § 67.21(b) and California Government Code § 6253(c).

We completed our research and are making the following available to you:

- Sketch of the tree base
- Sketch of the tree support and saddle

There were no estimates that accompanied these sketches. During construction, we realized that the original tree support design (which we gave to you earlier) would not work and needed to be modified. Subsequently, our engineers and arborists determined that the tree support/saddle (the sketches) would be the best solution. Since this solution was made while construction was occurring, Ramon Kong made a judgment call and approved the tree support/saddle quickly so that work could continue without further delays.

Sincerely,

Frank W. Lee
Executive Assistant to the Director
Department of Public Works
Tel: (415) 554-6993
Fax: (415) 522-7727
Email: Frank.W.Lee@sfdpw.org

From: Up Dog [mailto:upwardfacingdog@hotmail.com]
Sent: Friday, September 09, 2011 12:11 PM
To: Lee, Frank W
Cc: Up Dog
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Mr. Lee,

You and the Department Of Public Works have failed to provide the information I have requested under the Sunshine Ordinance of the City of San Francisco. Consequently, I will be filing a complaint and notice of violation with the appropriate authorities.

It is very unfortunate that the Department Of Public Works is unwilling to provide the information in a timely manner.

Sincerely,
Lars Nyman

From: upwardfacingdog@hotmail.com
To: frank.w.lee@sfdpw.org
CC: upwardfacingdog@hotmail.com
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?
Date: Mon, 29 Aug 2011 18:23:07 -0700

Dear Mr. Lee,

On 08/12/2011 you wrote:

> We found that there were nine reasons for exceeding the original estimate. They were, as follows:
> ...
> (8) Fabrication and installation of the custom tree support and saddle for the tree branch were also not part of the original estimate

The document you enclosed, dated 07/15/2010, does not mention any fabrication and installation of any custom tree support. This fabrication and installation of the custom tree support and saddle is included as "Tree Support" in the amount of \$23,561.80 in the final cost of the project. This amount, \$23,561.00, is close to 25% of the budget for the project.

I am requesting the document(s) that approves the fabrication and installation of the custom tree support and saddle. Since it was not included in the budget, it must have been approved at some point later prior to its fabrication and installation. The fabrication and installation cost, per your document, is \$23,561.00. I am requesting the document(s) that approves and authorizes spending that amount.

So, I am therefore, yet again, requesting information under the Sunshine Ordinance of the City of San Francisco. I am requesting the document(s) that approves the spending of \$23,561.80 for "Tree Support".

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Date: Mon, 29 Aug 2011 15:54:53 -0700
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Mr. Nyman:

The original tree support budget of \$4,248.65 was approved in September 2010; this is what I gave to you in response to B1.

The final cost of the tree support ended up being \$23,561.

Sincerely,

Frank W. Lee
Executive Assistant to the Director
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Tel: (415) 554-6993
Fax: (415) 522-7727
Email: Frank.W.Lee@sfdpw.org

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To: Lee, Frank W
Cc: Up Dog
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Dear Mr. Lee,

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> "Tree support" was \$23,561.00 but that the cost for "Tree support"
> was not included in the estimate of cost for the project. I
> assume the spending of \$23,561.00 for "Tree support" was approved
> at some point and by someone, therefore I am requesting that
> information in B1 above.

From the above it should be clear that I was requesting the document(s) approving spending \$23,561.00 for "Tree support". Your response to my request for information in item B1 is a document dated July 2010 and for the amount \$4,248.65. That is not what I requested.

The Department of Public Works in response to my Sunshine Ordinance Requests has stated that:
- the budget for the project was approved in September 2010 and was for the amount \$101,625.50
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Below are the answers to your questions.

A1 - The itemized estimated budget or cost that I gave to you in response to your last request was the approved estimated budget or cost for the project.

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B1 - Attached are the documents related to the original estimate of the "tree support" that was also approved in September 2010.

The costs that I gave to you does not include cost or payments paid by the City of San Francisco to PG&E for any claims associated with this project.

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Department of Public Works

Tel: (415) 554-6993

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A- Information about the estimated budget or cost of the project as it was approved:

A1- the itemized estimated budget of cost of the project that was approved as the project was approved

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B- Information about approval of cost of "Tree support":

B1- the document(s) that approves spending money on creation of "Tree support"

Note, for the request A1-A4 above, I am referring to the "final" estimated budget, the estimated budget that was the basis for the project's final approval prior to its start.

In your prior response you indicated that the cost for "Tree support" was \$23,561.00 but that the cost for "Tree support" was not included in the estimate of cost for the project. I assume the spending of \$23,561.00 for "Tree support" was approved at some point and by someone, therefore I am requesting that information in B1 above.

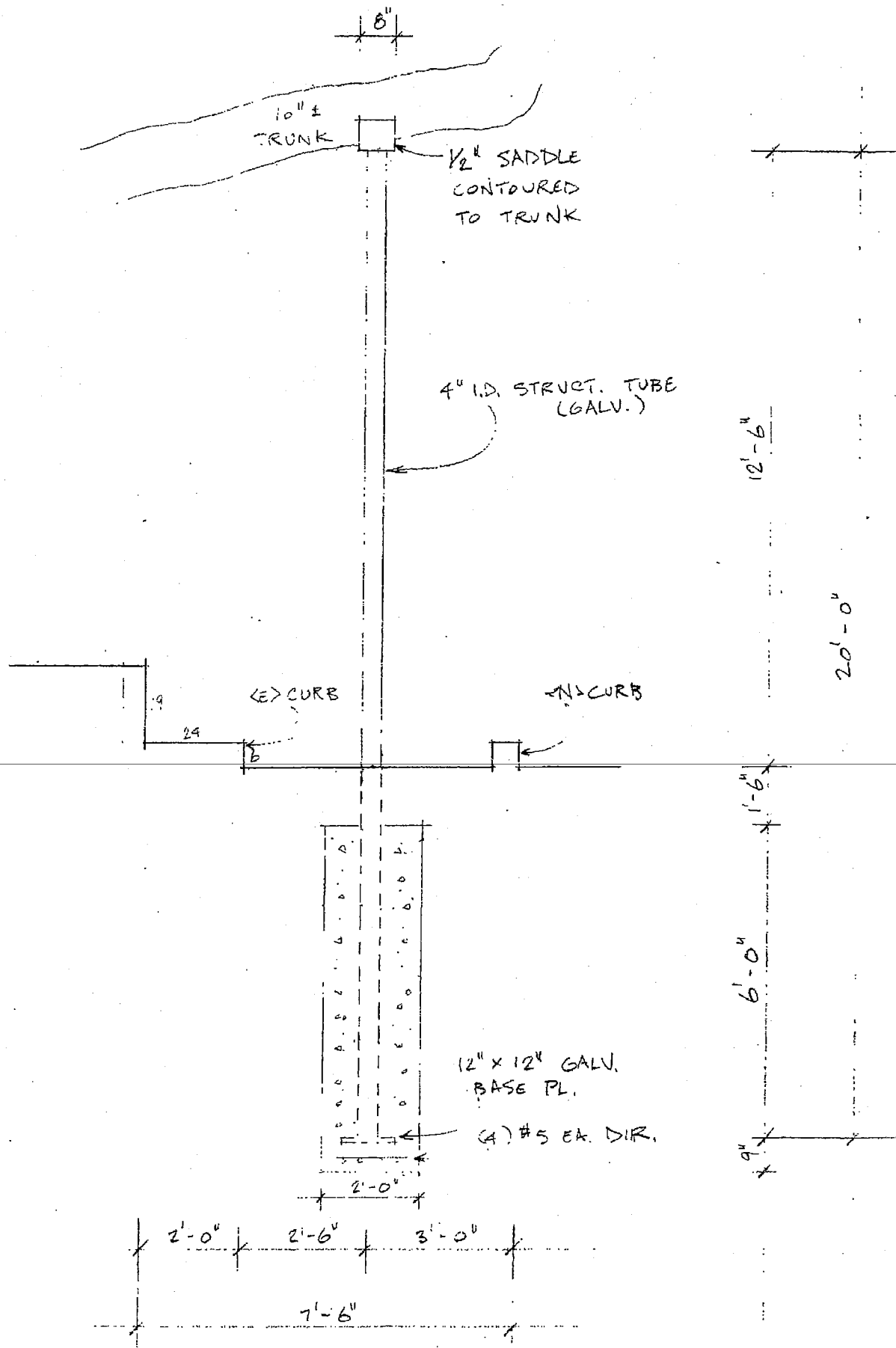
I also have one additional question related to your prior response about the cost of the project. This question is not a request for information under the Sunshine Ordinance per se (yet), but hope you can give me an answer. During the project, there were damages to PG&E infrastructure causing e.g. power outages. PG&E may have submitted claims to the City of San Francisco to re-coup costs for such damages caused by city workers. Did the cost in you provided in your

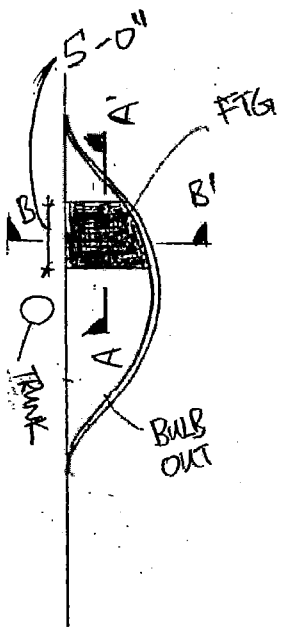
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I would also very much appreciate if you could acknowledge the receipt of this email.

Sincerely,
Lars Nyman



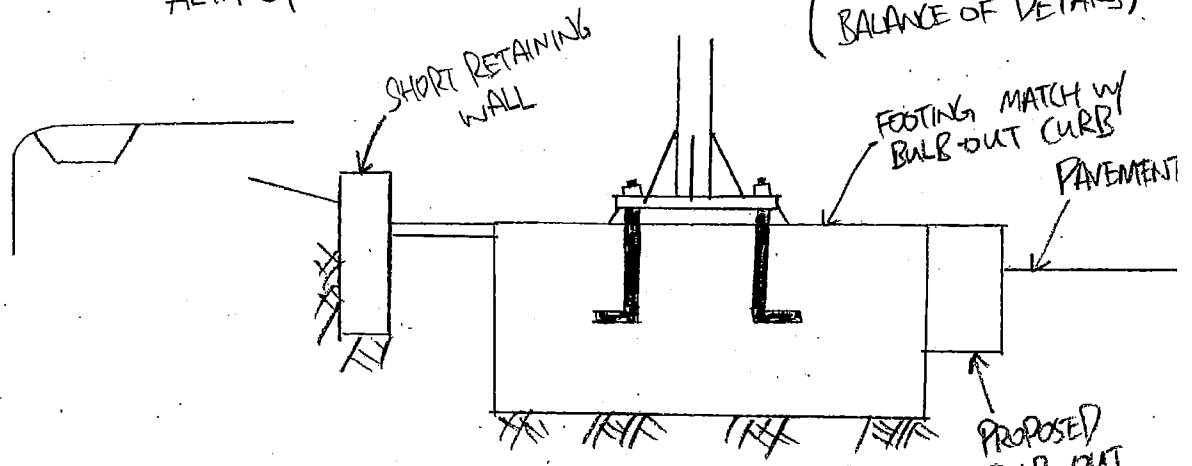


PLAN

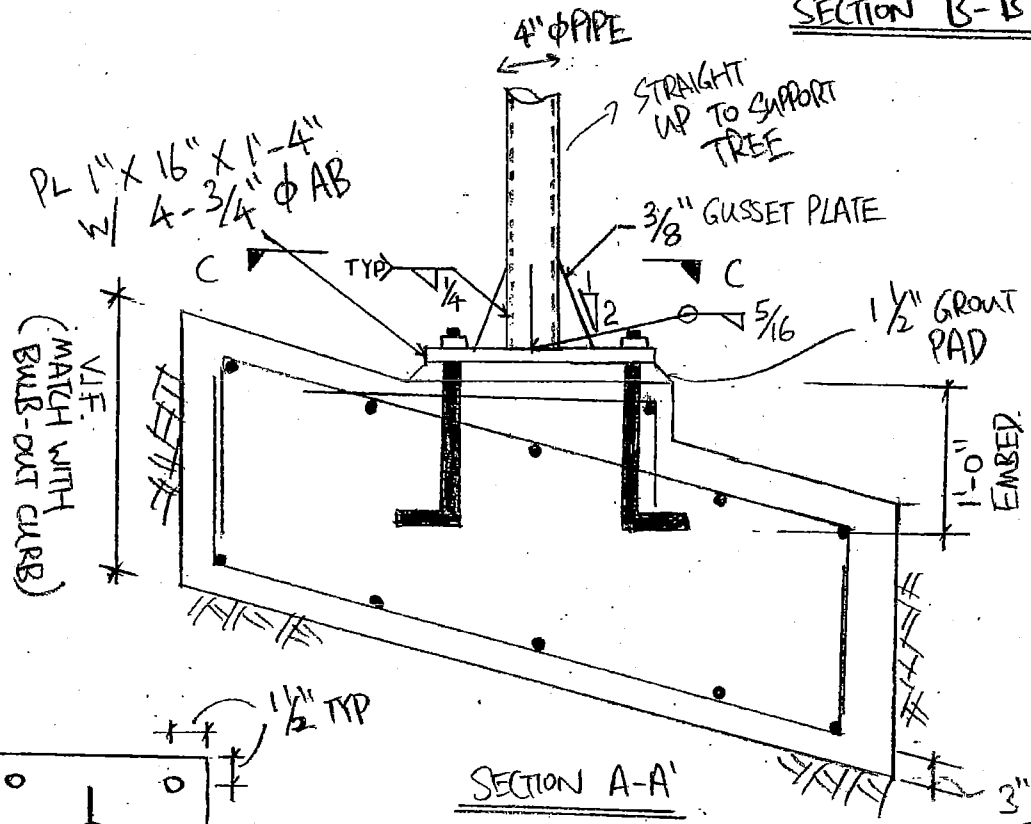
ALL STEEL SHALL BE GALVANIZED

ALTA ST

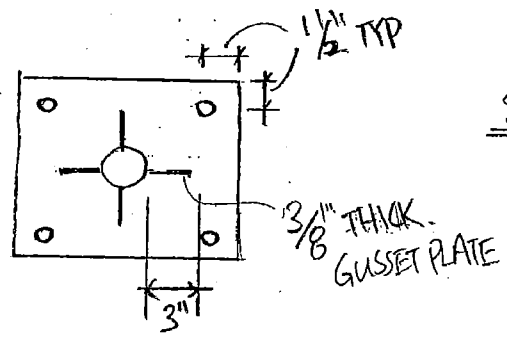
(SEE SECTION A-A' BALANCE OF DETAILS)



SECTION B-B'



SECTION A-A'



SECTION C-C

Lee, Frank W

From: Lee, Frank W
Sent: Friday, September 09, 2011 6:57 PM
To: Up Dog
Subject: Re: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Mr. Nyman:

There are no documents that would be responsive to your request.

Sincerely,

Frank W. Lee

Executive Assistant to the Director

Department of Public Works

Tel: (415) 554-6993

Fax: (415) 522-7727

Email: Frank.W.Lee@sfdpw.org

On Sep 9, 2011, at 6:08 PM, "Up Dog" <upwardfacingdog@hotmail.com> wrote:

Mr. Lee,

I have made it very clear, several times, that I am requesting the document(s) that approves the spending of \$23,561.00 for "Tree Support". The amount that was spent on this item, \$23,561.00, was close to 25% of the entire budget for the project, and 550% more than what was budgeted for this item.

You wrote: "... Ramon Kong made a judgment call and approved the tree support/saddle quickly ...".

You are stating that Ramon Kong approved the spending - I am requesting the document, or documents, that shows that, and I have yet to receive it/them.

So, yet again, I am hereby requesting under the Sunshine Ordinance of the City of San Francisco, the document(s) that approves the spending of \$23,561.80 for "Tree Support".

Sincerely,

Lars Nyman

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- Sketch of the tree base
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Mr. Nyman:

The original tree support budget of \$4,248.65 was approved in September 2010; this is what I gave to you in response to B1.

The final cost of the tree support ended up being \$23,561.

Sincerely,

Frank W. Lee
*Executive Assistant to the Director
Department of Public Works
Tel: (415) 554-6993
Fax: (415) 522-7727*

Email: Frank.W.Lee@sfdpw.org

From: Up Dog [mailto:upwardfacingdog@hotmail.com]
Sent: Monday, August 29, 2011 3:08 PM
To: Lee, Frank W
Cc: Up Dog
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Dear Mr. Lee,

Thank you for your response.

However, you failed to provide the information I requested in item B1. I stated:

- > In your prior response you indicated that the cost for
- > "Tree support" was \$23,561.00 but that the cost for "Tree support"
- > was not included in the estimate of cost for the project. I
- > assume the spending of \$23,561.00 for "Tree support" was approved
- > at some point and by someone, therefore I am requesting that
- > information in B1 above.

From the above it should be clear that I was requesting the document(s) approving spending \$23,561.00 for "Tree support". Your response to my request for information in item B1 is a document dated July 2010 and for the amount \$4,248.65. That is not what I requested.

The Department of Public Works in response to my Sunshine Ordinance Requests has stated that:

- the budget for the project was approved in September 2010 and was for the amount \$101,625.50
- the budget did not include any amount for fabrication and installation of the custom tree support
- the total cost of the project ended up being \$229,039.80
- \$23,561.80 of the \$229,039.80 spent on the project was to implement and create "Tree Support".

Included in the total cost is \$23,561.80 for "Tree Support", however the \$23,561.80 for "Tree Support" was not part of the approved budget.

I am therefore, yet again, requesting information under the Sunshine Ordinance of the City of San Francisco. I am requesting the document(s) that approves the spending of \$23,561.80 for "Tree Support".

Sincerely,
Lars Nyman

From: Frank.W.Lee@sfdpw.org
To: upwardfacingdog@hotmail.com
Date: Fri, 26 Aug 2011 17:11:05 -0700
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Dear Mr. Nyman:

We are responding to your public records request that we received on August 19, 2011 and are responding within the time frame as specified in the San Francisco Sunshine Ordinance. That Ordinance requires departments to respond as soon as possible or within ten calendar days from receipt of any

records requests. See San Francisco Administrative Code § 67.21(b) and California Government Code § 6253(c).

Below are the answers to your questions.

A1 - The itemized estimated budget or cost that I gave to you in response to your last request was the approved estimated budget or cost for the project.

A2 - The itemized estimated budget or cost for the project was approved in September 2010.

A3 - Edmund Lee of our Infrastructure Design and Construction Division created the estimated budget or cost.

A4 - Ramon Kong of our Infrastructure Design and Construction Division approved the estimated budget or cost.

B1 - Attached are the documents related to the original estimate of the "tree support" that was also approved in September 2010.

The costs that I gave to you does not include cost or payments paid by the City of San Francisco to PG&E for any claims associated with this project.

Sincerely,

Frank W. Lee

Executive Assistant to the Director

Department of Public Works

Tel: (415) 554-6993

Fax: (415) 522-7727

Email: Frank.W.Lee@sfdpw.org

From: Up Dog [mailto:upwardfacingdog@hotmail.com]

Sent: Friday, August 19, 2011 3:44 PM

To: Lee, Frank W

Subject: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Dear Mr. Lee,

This is a request for information under the Sunshine Ordinance of the City of San Francisco. I hope that the department will honor its obligations under the Sunshine Ordinance and will supply requested information in a timely manner.

The information requested is related to the Montgomery/Alta Street tree project that was performed in early 2011.

The information requested is as follows:

A- Information about the estimated budget or cost of the project as it was approved:

A1- the itemized estimated budget of cost of the project that was approved as the project was approved

A2- the date the estimated budget or cost was approved

A3- the name of the person or persons who created the estimated budget or cost

A4- the name of the person or persons who approved the estimated budget or cost

B- Information about approval of cost of "Tree support":

B1- the document(s) that approves spending money on creation of "Tree support"

Note, for the request A1-A4 above, I am referring to the "final" estimated budget, the estimated budget that was the basis for the project's final approval prior to its start.

In your prior response you indicated that the cost for "Tree support" was \$23,561.00 but that the cost for "Tree support" was not included in the estimate of cost for the project. I assume the spending of \$23,561.00 for "Tree support" was approved at some point and by someone, therefore I am requesting that information in B1 above.

I also have one additional question related to your prior response about the cost of the project. This question is not a request for information under the Sunshine Ordinance per se (yet), but hope you can give me an answer. During the project, there were damages to PG&E infrastructure causing e.g. power outages. PG&E may have submitted claims to the City of San Francisco to re-coup costs for such damages caused by city workers. Did the cost in you provided in your prior response include any cost or payments paid by the City of San Francisco to PG&E for any claims for repair of damages that city workers inflicted on PG&E infrastructure during this project?

I look forward to receiving the information requested.

I would also very much appreciate if you could acknowledge the receipt of this email.

Sincerely,
Lars Nyman

Lee, Frank W

From: Lee, Frank W
Sent: Monday, September 12, 2011 9:06 AM
To: 'Up Dog'
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Dear Mr. Nyman:

Yes, there are no documents that show the approval or authorization to spend money to construct and install the tree support and saddle as shown in the two sketches that I provided to you.

Sincerely,

Frank W. Lee
Executive Assistant to the Director
Department of Public Works
Tel: (415) 554-6993
Fax: (415) 522-7727
Email: Frank.W.Lee@sfdpw.org

From: Up Dog [mailto:upwardfacingdog@hotmail.com]
Sent: Friday, September 09, 2011 7:48 PM
To: Lee, Frank W
Cc: Up Dog
Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

Mr. Lee,

To prevent any misunderstanding, are you stating that there are no documents approving, or authorizing, the spending of \$23,561.00 for the tree support?

Sincerely,
Lars Nyman

> From: Frank.W.Lee@sfdpw.org
> To: upwardfacingdog@hotmail.com
> Date: Fri, 9 Sep 2011 18:56:44 -0700
> Subject: Re: Sunshine Ordinance request - Montgomery/Alta Street tree project?
>
>
>
> Mr. Nyman:
>
> There are no documents that would be responsive to your request.
>
> Sincerely,
>
> Frank W. Lee
> Executive Assistant to the Director
> Department of Public Works

> Tel: (415) 554-6993

> Fax: (415) 522-7727

>

> Email: <mailto:Frank.W.Lee@sfdpw.org> Frank.W.Lee@sfdpw.org<mailto:Frank.W.Lee@sfdpw.org>

>

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> On Sep 9, 2011, at 6:08 PM, "Up Dog" <upwardfacingdog@hotmail.com<mailto:upwardfacingdog@hotmail.com>> wrote:

>

>

> Mr. Lee,

>

> I have made it very clear, several times, that I am requesting the document(s) that approves the spending of \$23,561.00 for "Tree Support". The amount that was spent on this item, \$23,561.00, was close to 25% of the entire budget for the project, and 550% more than what was budgeted for this item.

>

> You wrote: "... Ramon Kong made a judgment call and approved the tree support/saddle quickly ...".

>

> You are stating that Ramon Kong approved the spending - I am requesting the document, or documents, that shows that, and I have yet to receive it/them.

>

> So, yet again, I am hereby requesting under the Sunshine Ordinance of the City of San Francisco, the document(s) that approves the spending of \$23,561.80 for "Tree Support".

>

> Sincerely,

> Lars Nyman

>

>

> From: <mailto:Frank.W.Lee@sfdpw.org> Frank.W.Lee@sfdpw.org<mailto:Frank.W.Lee@sfdpw.org>

> To: <mailto:upwardfacingdog@hotmail.com> upwardfacingdog@hotmail.com<mailto:upwardfacingdog@hotmail.com>

> Date: Fri, 9 Sep 2011 16:38:06 -0700

> Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

>

>

> Dear Mr. Nyman:

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>

> We receive almost 300 public records requests a year, and we handle all of them as expeditiously as we can.

>

>

>

> For your request, I want to thank you for clarifying what you requested in your email (below), which we received on August 30. Therefore, with this email, we are responding to that request and responding within the time period as specified by the San Francisco Sunshine Ordinance. That Ordinance requires departments to respond as soon as possible or within ten calendar days from receipt of any records requests. See San Francisco Administrative Code § 67.21(b) and California Government Code § 6253(c).

>

>

>

> We completed our research and are making the following available to you:

>

> • Sketch of the tree base

>

> • Sketch of the tree support and saddle

>

>
>
> There were no estimates that accompanied these sketches. During construction, we realized that the original tree support design (which we gave to you earlier) would not work and needed to be modified. Subsequently, our engineers and arborists determined that the tree support/saddle (the sketches) would be the best solution. Since this solution was made while construction was occurring, Ramon Kong made a judgment call and approved the tree support/saddle quickly so that work could continue without further delays.

>
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>
> Sincerely,

>
>
>
> Frank W. Lee
> Executive Assistant to the Director
> Department of Public Works
> Tel: (415) 554-6993
> Fax: (415) 522-7727

> Email: <mailto:Frank.W.Lee@sfdpw.org> Frank.W.Lee@sfdpw.org<mailto:Frank.W.Lee@sfdpw.org>

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> From: Up Dog [mailto:upwardfacingdog@hotmail.com]
> Sent: Friday, September 09, 2011 12:11 PM
> To: Lee, Frank W
> Cc: Up Dog
> Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

>
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>
> Mr. Lee,
>
> You and the Department Of Public Works have failed to provide the information I have requested under the Sunshine Ordinance of the City of San Francisco. Consequently, I will be filing a complaint and notice of violation with the appropriate authorities.

>
> It is very unfortunate that the Department Of Public Works is unwilling to provide the information in a timely manner.

>
> Sincerely,
> Lars Nyman

>
> _____
>
> From: <mailto:upwardfacingdog@hotmail.com>
upwardfacingdog@hotmail.com<mailto:upwardfacingdog@hotmail.com>
> To: <mailto:frank.w.lee@sfdpw.org> frank.w.lee@sfdpw.org<mailto:frank.w.lee@sfdpw.org>
> CC: <mailto:upwardfacingdog@hotmail.com> upwardfacingdog@hotmail.com<mailto:upwardfacingdog@hotmail.com>
> Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?
> Date: Mon, 29 Aug 2011 18:23:07 -0700

> Dear Mr. Lee,
>
> On 08/12/2011 you wrote:
> > We found that there were nine reasons for exceeding the original estimate. They were, as follows:
> > ...
> > (8) Fabrication and installation of the custom tree support and saddle for the tree branch were also not part of the original estimate
>
> The document you enclosed, dated 07/15/2010, does not mention any fabrication and installation of any custom tree support. This fabrication and installation of the custom tree support and saddle is included as "Tree Support" in the amount of \$23,561.80 in the final cost of the project. This amount, \$23,561.00, is close to 25% of the budget for the project.
>
> I am requesting the document(s) that approves the fabrication and installation of the custom tree support and saddle. Since it was not included in the budget, it must have been approved at some point later prior to its fabrication and installation. The fabrication and installation cost, per your document, is \$23,561.00. I am requesting the document(s) that approves and authorizes spending that amount.
>
>
> So, I am therefore, yet again, requesting information under the Sunshine Ordinance of the City of San Francisco. I am requesting the document(s) that approves the spending of \$23,561.80 for "Tree Support".
>
> Sincerely,
> Lars Nyman
>
>
>
> _____
>
> From: <mailto:Frank.W.Lee@sfdpw.org> Frank.W.Lee@sfdpw.org<mailto:Frank.W.Lee@sfdpw.org>
> To: <mailto:upwardfacingdog@hotmail.com> upwardfacingdog@hotmail.com<mailto:upwardfacingdog@hotmail.com>
> Date: Mon, 29 Aug 2011 15:54:53 -0700
> Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?
>
> Mr. Nyman:
>
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>
> The original tree support budget of \$4,248.65 was approved in September 2010; this is what I gave to you in response to B1.
>
>
>
> The final cost of the tree support ended up being \$23,561.
>
>
>
> Sincerely,
>
>
>
> Frank W. Lee
> Executive Assistant to the Director
> Department of Public Works
> Tel: (415) 554-6993
> Fax: (415) 522-7727
>
> Email: <mailto:Frank.W.Lee@sfdpw.org> Frank.W.Lee@sfdpw.org<mailto:Frank.W.Lee@sfdpw.org>

> Date: Fri, 26 Aug 2011 17:11:05 -0700
> Subject: RE: Sunshine Ordinance request - Montgomery/Alta Street tree project?

>
> Dear Mr. Nyman:

>
>
> We are responding to your public records request that we received on August 19, 2011 and are responding within the time frame as specified in the San Francisco Sunshine Ordinance. That Ordinance requires departments to respond as soon as possible or within ten calendar days from receipt of any records requests. See San Francisco Administrative Code § 67.21(b) and California Government Code § 6253(c).

>
>
> Below are the answers to your questions.

>
>
> A1 - The itemized estimated budget or cost that I gave to you in response to your last request was the approved estimated budget or cost for the project.

>
> A2 - The itemized estimated budget or cost for the project was approved in September 2010.

>
> A3 - Edmund Lee of our Infrastructure Design and Construction Division created the estimated budget or cost.

>
> A4 - Ramon Kong of our Infrastructure Design and Construction Division approved the estimated budget or cost.

>
>
> B1 - Attached are the documents related to the original estimate of the "tree support" that was also approved in September 2010.

>
>
>
> The costs that I gave to you does not include cost or payments paid by the City of San Francisco to PG&E for any claims associated with this project.

>
>
>
> Sincerely,

>
>
> Frank W. Lee
> Executive Assistant to the Director
> Department of Public Works
> Tel: (415) 554-6993
> Fax: (415) 522-7727

>
> Email: <mailto:Frank.W.Lee@sfdpw.org> Frank.W.Lee@sfdpw.org<mailto:Frank.W.Lee@sfdpw.org>

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>
> From: Up Dog [mailto:upwardfacingdog@hotmail.com]

> Sent: Friday, August 19, 2011 3:44 PM

> To: Lee, Frank W

> Subject: Sunshine Ordinance request - Montgomery/Alta Street tree project?

>

>

>

> Dear Mr. Lee,

>

> This is a request for information under the Sunshine Ordinance of the City of San Francisco. I hope that the department will honor its obligations under the Sunshine Ordinance and will supply requested information in a timely manner.

>

> The information requested is related to the Montgomery/Alta Street tree project that was performed in early 2011.

>

> The information requested is as follows:

>

> A- Information about the estimated budget or cost of the project as it was approved:

> A1- the itemized estimated budget of cost of the project that was approved as the project was approved

> A2- the date the estimated budget or cost was approved

> A3- the name of the person or persons who created the estimated budget or cost

> A4- the name of the person or persons who approved the estimated budget or cost

>

> B- Information about approval of cost of "Tree support":

> B1- the document(s) that approves spending money on creation of "Tree support"

>

>

> Note, for the request A1-A4 above, I am referring to the "final" estimated budget, the estimated budget that was the basis for the project's final approval prior to its start.

>

> In your prior response you indicated that the cost for "Tree support" was \$23,561.00 but that the cost for "Tree support" was not included in the estimate of cost for the project. I assume the spending of \$23,561.00 for "Tree support" was approved at some point and by someone, therefore I am requesting that information in B1 above.

>

> I also have one additional question related to your prior response about the cost of the project. This question is not a request for information under the Sunshine Ordinance per se (yet), but hope you can give me an answer. During the project, there were damages to PG&E infrastructure causing e.g. power outages. PG&E may have submitted claims to the City of San Francisco to re-coup costs for such damages caused by city workers. Did the cost in you provided in your prior response include any cost or payments paid by the City of San Francisco to PG&E for any claims for repair of damages that city workers inflicted on PG&E infrastructure during this project?

>

> I look forward to receiving the information requested.

>

> I would also very much appreciate if you could acknowledge the receipt of this email.

>

> Sincerely,

> Lars Nyman

>

>

>

>