

Date: January 8, 2008

Item No. 14

File No. 07087

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Complaint by: Allen Grossman v. Mayor's Office**
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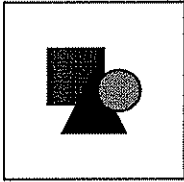
Completed by: Frank Darby

Date: January 2, 2008

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



DENNIS J. HERRERA  
City Attorney

ERNEST H. LLORENTE  
Deputy City Attorney

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

**MEMORANDUM**

*December 27, 2007*

*ALLEN GROSSMAN v. MAYOR'S OFFICE (07087)*

**COMPLAINT**

**THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:**

On October 2, 2007, Allen Grossman filed an Immediate Disclosure Request ("IDR") with the Mayor's for any and all minutes, notices of meetings, meeting agendas, memoranda, notes, emails, communications, letters, or other writing maintained by, in the custody of or relating to or in connection with the Office of the Director City Greening, the Interdepartmental Working Group and/or the Green Vision Council, as described in the Mayor's Press Release dated August 11, 2005 during the period of July 1, 2005 to and including the date of the IDR. On October 19, 2007, Allen Grossman re-issued his IDR since he did not receive a response from the Mayor's Office. On October 24, 2007, Jaime Poblitz responded and stated that the Mayor's Office is in the process of complying with the records request. As of November 2, 2007, Allen Grossman did not receive the requested documents.

**COMPLAINANT FILES COMPLAINT**

On November 2, 2007, Grossman filed a complaint online and alleged that the Mayor's Office violated Sections 67.21(b) and (a) of the Sunshine Ordinance and Sections 6253(b) and 6253.9(a) of the California Public Records Act ("CPRA").

**APPLICABLE STATUTORY SECTIONS:**

1. Sunshine Ordinance, San Francisco Administrative Code Section 67.21 addresses general requests for public documents including records in electronic format.
2. Sunshine Ordinance, San Francisco Administrative Code Section 67.21-1 addresses the policy regarding the use and purchase of computer systems.
3. Sunshine Ordinance, San Francisco Administrative Code Section 67.25 deals with Immediate Disclosure Requests.

**Memorandum**

4. Sunshine Ordinance, San Francisco Administrative Code Section. 67.26 deals with withholding kept to a minimum.
5. Sunshine Ordinance, San Francisco Administrative Code Section. 67.27 deals with justification for withholding.
6. California Public Records Act, Government Code Section 6253.9 deal with information in an electronic format.
7. California Public Records Act, Government Code Section 6253 deals with public records open to inspection, agency duties, and time limits.
8. California Public Records Act, Government Code Section 6255 deals with justification for withholding of records.

**APPLICABLE CASE LAW:**

none

**ISSUES TO BE DETERMINED****1. FACTUAL ISSUES****A. Uncontested Facts:**

The parties agree to the following facts:

- Grossman made a request for certain public records under the control of the Mayor's Office.
- A representative of the Mayor's Office responded to the request and stated that the Office was in the process of complying with the request.

**B. Contested facts/ Facts in dispute:**

The Task Force must determine what facts are true.

**i. Relevant facts in dispute:**

Whether the Mayor's Office complied with the public record's request.

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**2. QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS:**

a.). none.

**3. LEGAL ISSUES/ LEGAL DETERMINATIONS:**

- **Were sections of the Sunshine Ordinance (Section 67.21 or 67.25), Brown Act, and/or Public Records Act were violated?**
- **Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?**

**CONCLUSION**

**THE TASK FORCE FINDS THE FOLLOWING FACTS:**

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

## Memorandum

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

Section 67.21 addresses general requests for public documents.

This section provides:

- a.) Every person having custody of any public record or public information, as defined herein, ... shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.
- b.) A custodian of a public record shall as soon as possible and within **ten days** (emphasis added) following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.
- c.) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.
- ...
- k.) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirement provided in this ordinance.

**Memorandum**

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

Section 67.25 provides:

a.) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

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

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

d.) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall

**Memorandum**

produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected.

Section 67.26 provides:

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

Section 67.27 provides:

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

- a.) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.
- b.) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act of elsewhere.
- c.) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.
- d.) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

Section 67.31 provides:

...The Clerk of the Board of Supervisors shall provide a full-time staff person to perform administrative duties for the Sunshine Ordinance Task

**Memorandum**

Force and to assist any person in gaining access to public meetings or public information. The Clerk of the Board of Supervisors shall provide that staff person with whatever facilities and equipment are necessary to perform said duties.

The California Public Records Act is located in the state Government Code Sections 6250 et seq. All statutory references, unless stated otherwise, are to the Government Code.

Section 6253 provides.

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

Section 6253.9 provides:

- a.) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:
  - (1) The agency shall make the information available in any electronic format in which it holds the information.
  - (2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies.



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The cost of duplication shall be limited to the direct cost of producing a copy of a record in any electronic format.

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

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

(2) The request would require data compilation, extraction, or programming to produce the record.

c.) Nothing in this section shall be construed to require the public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.

d.) If the request is for information in other than electronic format, and the information also is in electronic format, the agency may inform the requester that the information is available in electronic format.

e.) Nothing in this section shall be construed to permit an agency to make information available only in electronic format.

f.) Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

g.) Nothing in this section shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.

Section 6255 provides:

a.) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

**Memorandum**

- b.) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.



DENNIS J. HERRERA  
City Attorney

ERNEST H. LLORENTE  
Deputy City Attorney

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

December 3, 2007

Sue Cauthen, Chair  
Members of the Complaint Committee

Re: Allen Grossman v. Mayor's Office (07087)

Dear Chair Cauthen and Members of the Complaint Committee:

This letter addresses the complaint of Allen Grossman against the Mayor's Office.

**BACKGROUND**

On October 2, 2007, Allen Grossman filed an Immediate Disclosure Request ("IDR") with the Mayor's for any and all minutes, notices of meetings, meeting agendas, memoranda, notes, emails, communications, letters, or other writing maintained by, in the custody of or relating to or in connection with the Office of the Director City Greening, the Interdepartmental Working Group and/or the Green Vision Council, as described in the Mayor's Press Release dated August 11, 2005 during the period of July 1, 2005 to and including the date of the IDR. On October 19, 2007, Allen Grossman re-issued his IDR since he did not receive a response from the Mayor's Office. On October 24, 2007, Jaime Poblitz responded and stated that the Mayor's Office is in the process of complying with the records request. As of November 2, 2007, Allen Grossman did not receive the requested documents.

**COMPLAINT**

On November 2, 2007, Grossman filed a complaint online and alleged that the Mayor's Office violated Sections 67.21(b) and (a) of the Sunshine Ordinance and Sections 6253(b) and 6253.9(a) of the California Public Records Act ("CPRA").

**SHORT ANSWER**

The Sunshine Ordinance Task Force ("Task Force") has jurisdiction over the complaint because the allegations in the complaint are covered under 67.21 of the Ordinance.

**ANALYSIS**

Section 67.21 governs the release of public documents. Section 67.21-1 governs the policy regarding the use and purchase of computer systems. Section 67.27 deals with justification for withholding. Grossman has made a request for documents that are maintained by the Mayor's Office. Grossman alleges that the Mayor's Office did not provide the requested records even though a representative stated that the Office was in the process of compiling such

Letter to the Complaint Committee

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December 3, 2007

information for disclosure. The documents are in the possession of the Mayor's Office and the SOTF has subject matter jurisdiction over this complaint based on the alleged violations of Sections 67.21 of the Sunshine Ordinance.

### **CONCLUSION**

The Task Force has subject matter jurisdiction and must determine if the Mayor's Office violated the Ordinance by not releasing the requested records.



SUNSHINE ORDINANCE TASK FORCE  
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102  
Tel. (415) 554-7724; Fax (415) 554-7854  
http://www.sfgov.org/sunshine

**SUNSHINE ORDINANCE COMPLAINT**

Complaint against which Department or Commission OFFICE OF MAYOR GAVIN NEWSOM  
Name of individual contacted at Department or Commission STUART SUNSHINE/JAMES FORBLITZ

Alleged violation public records access  
 Alleged violation of public meeting. Date of meeting \_\_\_\_\_

Sunshine Ordinance Section (67.21(a), 67.25(a), CPRA SECTION 6253(b))  
(If known, please cite specific provision being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

FAILURE TO RESPOND TO IMMEDIATE DISCLOSURE REQUEST  
SUBMITTED BY FAX ON OCTOBER 3, 2007 AND REPEATED  
ON OCTOBER 19, 2007, COPIES OF WHICH ARE ATTACHED,  
TOGETHER WITH EMAILS FROM & TO MAYOR'S OFFICE.

Do you wish a public hearing before the Sunshine Ordinance Task Force?  yes  no.

(Optional)<sup>1</sup>

Your name ALLEN GROSSMAN Address 111 30TH AVENUE  
SAN FRANCISCO, CA 94121 Date NOVEMBER 2, 2007

Telephone (415) 831-3720 If anonymous, please let us know how to contact you.

Signature Allen Grossman

<sup>1</sup> NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE IS SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. COMPLAINANT'S CAN BE ANONYMOUS AS LONG AS THE COMPLAINANT PROVIDES A RELIABLE MEAN OF CONTACT WITH THE SOTF (PHONE NUMBER, FAX NUMBER, OR E-MAIL ADDRESS).

ALLEN GROSSMAN.  
111 30<sup>th</sup> AVENUE  
SAN FRANCISCO, CALIFORNIA 94121-1005  
TELEPHONE: (415) 831-3720  
FACSIMILE: (415) 831-3721  
E-MAIL: grossman356@mac.com

**FACSIMILE TRANSMITTAL**

**To:** Frank Darby, Administrator  
**Of:** Sunshine Ordinance Task Force  
**FAX Number:** (415) 554-7854  
**Phone Number:** (415) 554-7724  
**Number of Pages:** 8, including cover sheet  
**Date:** November 2, 2007  
**From:** Allen Grossman  
**Re:** Complaint against Office of Mayor Gavin Newsom  
**Message:** Attached is the Complaint with attached relevant documentation supporting the Complaint. Please advise me if anything else is required. As I understand it, the Office of Mayor Gavin Newsom will be advised that its response to the Complaint is due five (5) days after notification that this Complaint has been filed.

The Complaint and attached relevant documentation was also sent by email.

Thank You.

**IF YOU DO NOT RECEIVE ALL PAGES OF THIS TRANSMISSION,  
PLEASE CALL (415) 831-3720 AS SOON AS POSSIBLE**

**CONFIDENTIALITY NOTE:** The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the receiver of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

ALLEN GROSSMAN  
111 30<sup>th</sup> AVENUE  
SAN FRANCISCO, CALIFORNIA 94121-1005  
TELEPHONE: (415) 831-3720  
FACSIMILE: (415) 831-3721  
E-MAIL: grossman356@mac.com

**FACSIMILE TRANSMITTAL**

**To:** Stuart Sunshine, Deputy Chief of Staff  
**Of:** Office of Mayor Gavin Newsom  
**FAX Number:** (415) 554-6158  
**Phone Number:** (415) 554-5943  
**Number of Pages:** 5, including cover sheet  
**Date:** October 19, 2007  
**From:** Allen Grossman  
**Message:** Stuart, the attached Fax and three page Immediate Disclosure Request dated October 2, 2007 were delivered by Facsimile transmittal to the Mayor's Office the same day. To date there has been no response of any kind from anyone in the Mayor's Office, so before I file a formal complaint with the Sunshine Ordinance Task Force I want to be sure that it wasn't just ignored.

Thanks,

Allen Grossman

**IF YOU DO NOT RECEIVE ALL PAGES OF THIS TRANSMISSION,  
PLEASE CALL (415) 831-3720 AS SOON AS POSSIBLE**

**CONFIDENTIALITY NOTE:** The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the receiver of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

ALLEN GROSSMAN  
111 30<sup>th</sup> AVENUE  
SAN FRANCISCO, CALIFORNIA 94121-1005  
TELEPHONE: (415) 831-3720  
FACSIMILE: (415) 831-3721  
E-MAIL: grossman356@mac.com

**FACSIMILE TRANSMITTAL**

**To:** Office of Mayor Gavin Newsom  
**FAX Number:** (415) 554-6113  
**Phone Number:** (415) 554-6141  
**Number of Pages:** 4, including cover sheet  
**Date:** October 2, 2007  
**From:** Allen Grossman  
**Message:** Three-page Immediate Disclosure Request (including attachment) dated today is delivered with this Facsimile Transmittal.

**IF YOU DO NOT RECEIVE ALL PAGES OF THIS TRANSMISSION,  
PLEASE CALL (415) 831-3720 AS SOON AS POSSIBLE**

**CONFIDENTIALITY NOTE:** The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the receiver of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.



**IMMEDIATE DISCLOSURE REQUEST VIA FACSIMILE**

**To:** Office of Mayor Gavin Newsom  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 200  
San Francisco, CA 94102

**Date:** October 2, 2007

**Name of Requester:** Allen Grossman  
**Requester Address:** 111 30<sup>th</sup> Avenue  
**City/State/Zip:** San Francisco, CA 94121-1005  
**Telephone:** 415-831-3720 (Number to be called to clarify request)  
**Email:** grossman356@mac.com

This is an IMMEDIATE DISCLOSURE REQUEST (pursuant to Section 67.25(a) of the San Francisco Sunshine Ordinance) for copies of the following public records under the applicable provisions of California Public Records Act and the San Francisco Sunshine Ordinance in the custody or control of any person in the Department of Public Works:

Any and all minutes (including attachments), notices of meetings, meeting agendas (including appended or attached document "packages"), memoranda, notes, emails, communications, letters, or other writings (collectively, "records") maintained by, in the custody of or relating to or in connection with the office of the Director of City Greening, the Interdepartmental Working Group and/or the Green Vision Council, as described in the Mayor's Press Release dated August 11, 2005 (a copy of which is attached hereto) during the period of July 1, 2005 to and including this date.

If such records are kept electronically or in PDF format, please send them in their original format by email to my above email address. If the records are kept in some other format, please scan the relevant page(s) to PDF format and send them by email to my above email address.

This public records request is to be read broadly and any exemptions to disclosure of any public information in such public records are to be construed narrowly. In accordance with Section 67.25(a) of the Sunshine Ordinance, please reply no later than Friday October 5, 2007.

  
Allen Grossman

**Better Streets Initiative**  
**FOR IMMEDIATE RELEASE:**  
Thursday, August 11, 2005  
Contact: Mayor's Office of Communications  
415-554-6131

**\*\*\* PRESS RELEASE \*\*\***

**NEWSOM UNVEILS PHASE II OF THE CLEAN AND GREEN INITIATIVE: BETTER  
STREETS PROGRAM**

*Announces Creation of Interdepartmental Working Group and Green Vision Council  
to further Mayor's commitment to sustainable communities*

*City Policy Planner Marshall Foster named San Francisco's first Director of City  
Greening*

San Francisco, CA - Delivering on his commitment to make real, immediate and sustainable improvements to enhance and preserve quality of life in San Francisco, Mayor Gavin Newsom today unveiled Phase II of the City's Clean and Green Initiative: the Better Streets Program. Mayor Newsom also took this opportunity to announce the establishment of an Interdepartmental Working Group and Green Vision Council to carry out his goal of aligning the City's development with a set of sustainable building practices.

The City's efforts will be led by Mr. Marshall Foster, a Planner in the San Francisco Planning Department. Mr. Foster will be San Francisco's first Director of City Greening, who will work with the Interdepartmental Working Group and Green Vision Council to develop the City's Green Master Plan.

"The quality of streets is a concern everywhere in San Francisco," said Mayor Gavin Newsom. "This second phase gives us a key opportunity to focus on the design of our streets," Newsom continued, "I am confident that with the leadership of Marshall Foster, we will develop a framework of initiatives that will build the vision of greening our city over time."

Mr. Dean Macris, San Francisco's Planning Director added, "Mayor Newsom has made an excellent choice in naming Marshall to lead his vision of greening our city. This new greening initiative will build on the success of the Planning Department's Better Neighborhoods Program and continue its vision for greening San Francisco's streets."

In October 2004, Mayor Newsom unveiled Phase I of his Clean and Green Streets

Initiative, which was designed to revitalize and beautify the area on Van Ness Avenue between Grove and Lombard Streets. The project expanded to other median strips throughout San Francisco, including Geary Boulevard, Lombard Street, and Junipero Serra Boulevard.

The pilot program will be implemented in four areas of the City, including: Leland Avenue (between Bayshore Boulevard and Rutland Street ); Mission Street (between Division and 11<sup>th</sup> Streets) and South Van Ness Avenue and Mission Street (between Market and Howard Streets); Area surrounding the Glen Park BART Station. The Better Streets Program includes four major initiatives that seek to better balance all the functions of a street, make our streets a truly public realm and put people and the environment first:

**Street Beautification:** The City has identified over \$20 million to make immediate streetscaping improvements to key streets throughout San Francisco.

**Street Design:** Includes more thorough street redesigns such as changes to sidewalks, intersections, traffic patterns, bicycle and traffic conditions. These projects will be carried out in three different phases.

**Pavement to Parks:** An effort to reclaim excess pavement—unneded traffic islands, left over areas not needed for traffic, neglected sidewalks—for pocket parks, sitting areas, community gardens, sustainable plantings, and other green uses.

**Coordinated City Action:** Focuses on a coordinated effort in the design and management of streets and alleys that are currently handled by multiple city departments.

The Mayor's Interdepartmental Working Group will bring together various department heads including: Planning, Environment, Municipal Transportation Agency, Recreation and Parks, Economic and Workforce Development, Public Utilities, Public Works, Parking and Traffic, Housing and the City Administrator's Office.

The Green Vision Council, which will be working collaboratively with the working group, will be providing input based on their professional expertise. Members include: Rob Forbes, Founder, Design Within Reach; Topher Delaney, Environmental Artist; Jane Martin, Principal, Shift Design Studio; Van Jones, founder and National Executive Director, Ella Baker Center for Human Rights (EBC); Kelly Quirke, Executive Director, Friends of the Urban Forest (FUF); John Peterson, Principal, Peterson Architects; Francesca Vietor, Founder and Director, 1000 FLOWERS.

From: Allen Grossman <grossman356@mac.com>  
Subject: **Re: Immediate Disclosure Request**  
Date: November 1, 2007 10:31:17 AM PDT  
To: Jaime Poblitz <Jaime.Poblitz@sfgov.org>

Jaime,

When we spoke a week ago Wednesday (I advised you that this request was originally submitted on October 2 and under the Sunshine Ordinance (Section 67.25(a)) I was entitled to a response was due at the end of the next business day, but I would wait until this last Monday, October 29. Given that almost a full month has passed with no response of any kind, I plan to file a formal complaint with the SOTF tomorrow unless whoever is the custodian of the requested public records provides them immediately in the manner described in my original request..

Allen Grossman

On Oct 24, 2007, at 1:38 PM, Jaime Poblitz wrote:

Mr. Grossman,

I work for Stuart Sunshine and we received you fax regarding your Sunshine request. I've checked and they are in the process of complying your records. I will forward along your fax to them as well.

Thank you