

Date: March 25, 2008

Item No. 9/a

File No. 08015

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Complaint by: Deniz Bolbol vs SF Zoological Society**
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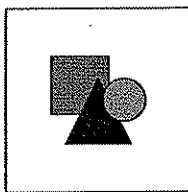
Completed by: Frank Darby

Date: March 19, 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

March 17, 2008

DENIZ BOLBOL v. SAN FRANCISCO ZOOLOGICAL SOCIETY (08015)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

Complainant Deniz Bolbol states:

The San Francisco Zoological Society ("SFZoo") is paid by the City and County of San Francisco to manage and operate the city-owned San Francisco Zoo. Based on the San Francisco Zoo Lease and Management Agreement, the SFZoo is required to provide public access to information concerning the operation of the Zoo to the same extent that such information would have been available to the public... if the Department had continued to operate the Zoo.

On February 21, 2008, Deniz Bolbol sent a written Immediate Disclosure request via e-mail and fax to Mr. Mollinedo, the zoo director, requesting specific information and documents.

The requested documents are as follows:

1. The San Francisco Zoo's Collection Plan,
2. A list of zoo management personnel,
3. A list of SFZoo's steering committee members,
4. The original design plan for the African Savannah, and
5. Animal inventory.

Bolbol states that a temporary employee acknowledged that SFZoo received the request. However as of March 4, 2008, Deniz Bolbol had not received the documents and had not been told when she might receive the documents.

COMPLAINANT FILES COMPLAINT:

On March 5, 2008, Deniz Bolbol filed a complaint against the SFZoo for violation of Section 67.21(a) and 67.25(b) of the Sunshine Ordinance and California Public Records Act Section 6250 et seq.

Memorandum**JURISDICTION**

Based on Deniz Bolbol complaint that alleges that she made an Immediate Disclosure Request and although she received a response that the IDR had been received, she did not receive the records or a reason why the records were not produced. The non-response if true may be a violation of Sections 67.21(a) and 67.25(b) of the Sunshine Ordinance, the Task Force has subject matter jurisdiction over the complaint and must decide the merits of the complaint.

APPLICABLE STATUTORY SECTION:

1. California Constitution, Article I, Section 3 that states the general principals of public records and public meetings.
2. Sunshine Ordinance Section 67.1 that addresses Findings and Purpose.
3. Sunshine Ordinance, San Francisco Administrative Code Section 67.21 addresses general requests for public documents.
4. Sunshine Ordinance, San Francisco Administrative Code Section 67.25 deals with Immediate Disclosure Requests.
5. Sunshine Ordinance, San Francisco Administrative Code Section. 67.26 deals with withholding kept to a minimum.
6. Sunshine Ordinance, San Francisco Administrative Code Section. 67.27 deal with justification for withholding.
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**

Memorandum

A. Uncontested Facts:

Complainant Deniz Bolbol made an Immediate Disclosure request. The IDR was acknowledged received by a temporary SFZoo employee.

B. Contested facts/ Facts in dispute:

The Task Force must determine what facts are true.

i. Relevant facts in dispute:

Whether the SFZoo properly responded to the IDR.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS;

none

LEGAL ISSUES/LEGAL DETERMINATIONS;

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

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

Memorandum**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 protected 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.
 - 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.

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

Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.
- (f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.
- (g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

Memorandum

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.
- 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

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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 inseparably 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 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

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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.

Memorandum

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 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.
- 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.



<complaints@sfgov.org>
03/05/2008 03:27 PM

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

History:  This message has been forwarded.

Submitted on: 3/5/2008 3:27:03 PM

Department: San Francisco Zoological Society

Contacted: Manuel Mollinedo

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated: CPRA 6250 et seq., Sunshine Ordinance & zoo lease section 16.2 and 16.2b

Description: On Feb 21, 2008 I made an Immediate Disclosure request for (a) the San Francisco Zoo's Collection Plan, (2) A list of zoo management personnel, (3) a list of SF Zoological steering committee members, (4) the original design plan for the African Savannah and (4) animal inventory. A temporary employee acknowledged receipt of my request and nothing has been provided to me since.

Hearing: Yes

Date: 2/4/08

Name: Deniz Bolbol

Address: PO Box 5656

City: Redwood City

Zip: CA 94063

Phone: (650) 248-4489

Email: deniz_b@yahoo.com

Anonymous:



Deniz Bolbol
<deniz_b@yahoo.com>
03/04/2008 10:39 AM

To SOTF <soft@sfgov.org>
cc
bcc
Subject Re: Fwd: Immediate Disclosure Request: 5 SF Zoo document request

Hello Chris,

I have tried numerous times to submit my complaint online. Below is my complaint and the server error response I receive when I hit "submit."

Thank you.
Deniz Bolbol

The San Francisco Zoological Society (SFZS) is paid by the City of San Francisco to manage and operate the city-owned San Francisco Zoo. As per the San Francisco Zoo Lease and Management Agreement, which mandates that SFZS "provide public access to information concerning the operation of the Zoo to the same extent that such information would have been available to the public ... if the Department had continued to operate the Zoo..."(section cited below).

On February 21, 2008, I sent a written Immediate Disclosure request (via email and fax) to Mr. Mollinedo, the zoo director, requesting specific information and documents.

The original email is below. A temporary employee responded to state the Zoo had received the inquiry. However, to date I have not received these documents nor have I been told when I might receive these documents.

I request the assistance of the Sunshine Ordinance Task Force in order to obtain public documents from SFZS pertaining to the city-owned Zoo and to avoid this type of problem in the future. In addition, SFZS has implemented a new policy by which they have their outside legal counsel review all documents before making them available to the public; I feel this internal process should not delay responding to public record requests.

I greatly appreciate your assistance.

Thank you for your prompt attention to this matter.

Deniz Bolbol
650.248.4489 mobile

16.2 Public Access to Records and Information. SFZS shall provide public access to information concerning the operation of the Zoo to the same extent that such information would have been available to the public pursuant to local ordinances if the Department had continued to operate the Zoo in the same manner as it did prior to the date of this Agreement. In addition, SFZS shall comply with all state and federal laws, rules and regulations that govern access by the public to records and information, including without limitation the California Public Records Act (California Government Code Secs. 6250 et seq.). Without limiting the foregoing, SFZS further agrees that (a) minutes shall be taken at each meeting of its Board of Directors, and that the minutes of those meetings shall be

considered public documents available for public inspection in accordance with the Public Records Act, and (b) all information concerning the status of all animals exhibited or otherwise housed or cared for at the Zoo shall be deemed public information subject to public inspection under the Public Records Act.

ORIGINAL INQUIRY:

Date: Thu, 21 Feb 2008 17:44:17 -0800 (PST)

From: Deniz Bolbol <deniz_b@yahoo.com>

Subject: Immediate Disclosure Request: 5 SF Zoo document request

To: Denise Calhoun <DeniseC@sfzoo.org>, Manuel Mollinedo <manuelm@sfzoo.org>

CC: Michael Orosco <MichaelO@sfzoo.org>, deniz_b@yahoo.com

Dr. Mr. Mollinedo:

Pursuant to the California Public Records Act ("CPRA" - Government Code Section 6250 et seq.), as per the San Francisco Zoo Lease and Management Agreement section 16.2 and 16.2(b), and the Sunshine Ordinance and Immediate Disclosure Request which requires 24-hour response, please email or fax to the contact information below the following documents and information:

- § San Francisco Zoo's Collection Plan
- § List of Zoo management personnel
- § List of San Francisco Zoological steering committee members
- § Original design plan from exhibit designer for the "African Savannah"
- § Animal inventory

Please fax or email these documents as per the Immediate Disclosure Request within 24 hours to 1-206-309-7265 or deniz_b@yahoo.com. Please call me to let me know when these documents will be available.

Thank you.

Deniz Bolbol

650-654-9955

650-248-4489

Server Error in '/apps/eform' Application.

A potentially dangerous Request.Form value was detected from the client (Description="...iz Bolbol <deniz_b@yahoo.com> ...").

Description: Request Validation has detected a potentially dangerous client input value, and processing of the request has been aborted. This value may indicate an attempt to compromise the security of your application, such as a cross-site scripting attack. You can disable request validation by setting `validateRequest=false` in the Page directive or in the configuration section. However, it is strongly recommended that your application explicitly check all inputs in this case.

Exception Details: System.Web.HttpRequestValidationException: A potentially dangerous Request.Form value was detected from the client (Description="...iz Bolbol <deniz_b@yahoo.com> ...").

Source Error:

An unhandled exception was generated during the execution of the current web request. Information regarding the origin and location of the exception can be identified using the exception

stack trace below.

Stack Trace:

```
[HttpRequestValidationException (0x80004005): A potentially
dangerous Request.Form value was detected from the client
(Description="...iz Bolbol <deniz_b@yahoo.com> ...").]
System.Web.HttpRequest.ValidateString(String s, String
valueName, String collectionName) +240
System.Web.HttpRequest.ValidateNameValueCollection(NameValueColl
ection nvc, String collectionName) +99
System.Web.HttpRequest.get_Form() +113
System.Web.UI.Page.GetCollectionBasedOnMethod() +69
System.Web.UI.Page.DeterminePostBackMode() +128
System.Web.UI.Page.ProcessRequestMain() +2174
System.Web.UI.Page.ProcessRequest() +218
System.Web.UI.Page.ProcessRequest(HttpContext context) +18
System.Web.CallHandlerExecutionStep.System.Web.HttpApplication+I
ExecutionStep.Execute() +179
System.Web.HttpApplication.ExecuteStep(IExecutionStep step,
Boolean& completedSynchronously) +87
```

Version Information: Microsoft .NET Framework Version:1.1.4322.2032;

ASP.NET Version:1.1.4322.2032

SOTF <sotf@sfgov.org> wrote:

Dear Deniz Bolbol,

You can file a complaint with the Sunshine Ordinance Task Force if you are not satisfied with the department's response.

More information is available at

http://www.sfgov.org/site/sunshine_index.asp?id=5460

Chris Rustom
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
SOTF@SFGov.org
OFC: (415) 554-7724
FAX: (415) 554-7854

Complete a SOTF Customer Satisfaction Survey by clicking the link below.

http://www.sfgov.org/site/sunshine_form.asp?id=34307

Deniz Bolbol
m> To
sotf@sfgov.org
02/28/2008 05:49 cc
PM
Subject

Fwd: Immediate Disclosure Request:
5 SF Zoo document request

TO: Sunshine Ordinance Task Force

The San Francisco Zoological Society (SFZS) is paid by the City of San Francisco to manage and operate the city-owned San Francisco Zoo. As per the San Francisco Zoo Lease and Management Agreement, which mandates that SFZS "provide public access to information concerning the operation of the Zoo to the same extent that such information would have been available to the public ... if the Department had continued to operate the Zoo...." (section cited below).

One week ago today, I sent a written request (via email and fax) to Mr. Mollinedo, the zoo director, requesting specific information and documents. The email chain is below. A temporary employee responded to state the Zoo had received the inquiry. However, to date I have not received these documents nor have I been told when I might receive these documents.

I request the assistance of the Sunshine Ordinance Task Force in order to obtain public documents from SFZS pertaining to the city-owned Zoo. I need these documents as soon as possible and greatly appreciate your assistance.

Thank you for your prompt attention to this matter.
Deniz Bolbol
650.248.4489 mobile

16.2 Public Access to Records and Information. SFZS shall provide public access to information concerning the operation of the Zoo to the same extent that such information would have been available to the public pursuant to local ordinances if the Department had continued to operate the Zoo in the same manner as it did prior to the date of this Agreement. In addition, SFZS shall comply with all state and federal laws, rules and regulations that govern access by the public to records and information, including without limitation the California Public Records Act (California Government Code Secs. 6250 et sea.). Without limiting the foregoing, SFZS further agrees that (a) minutes shall be taken at each meeting of its Board of Directors, and that the minutes of those meetings shall be considered public documents available for public inspection in accordance with the Public Records Act, and (b) all information concerning the status of all animals exhibited or otherwise housed or cared for at the Zoo shall be deemed public information subject to public inspection under the Public

Records Act.

Deniz Bolbol wrote:

Date: Wed, 27 Feb 2008 09:29:18 -0800 (PST)

From: Deniz Bolbol

Subject: Immediate Disclosure Request: 5 SF Zoo document request

To: Manuel Mollinedo , bobj@sfzoo.org

CC: Randy Riddle ,

Michael Orosco , Denise Calhoun

Mr. Mollinedo,

I submitted to your attention a document request on February 21. Nearly one week later, I have not received any of the requested documents and I have not been told when I will receive the documents. As you know, you are obligated to provide the documents as per the San Francisco Zoo Lease and Management Agreement and Sunshine Ordinance and Immediate Disclosure Request which requires 24-hour response.

I request that you direct your staff to take public information requests seriously and to not delay responses.

Please advise me when I will receive the documents requested. The original request is below.

Thank you for your prompt attention to this matter.

Deniz Bolbol

650.248.4489

Deniz Bolbol wrote:

Hi Denise,

Thank you for the response to the SSP question.

Please provide a time frame when I can expect to pick up the additional documents requested on February 21.

Sincerely,

Deniz Bolbol

650.654.9955

Date: Thu, 21 Feb 2008 17:44:17 -0800 (PST)

From: Deniz Bolbol

Subject: Immediate Disclosure Request: 5 SF Zoo document request

To: Denise Calhoun , Manuel Mollinedo

CC: Michael Orosco , deniz_b@yahoo.com

Dr. Mr. Mollinedo:

Pursuant to the California Public Records Act (â€œCPRAâ€ - Government Code Section 6250 et seq.), as per the San Francisco Zoo Lease and Management Agreement section 16.2 and 16.2(b), and the Sunshine Ordinance and Immediate Disclosure Request which requires 24-hour response, please email or fax to the contact information below the following documents and information:

Â§ San Francisco Zooâ€™s Collection Plan

Â§ List of Zoo management personnel

Â§ List of San Francisco Zoological steering committee members

Â§ Original design plan from exhibit designer for the â€œAfrican Savannahâ€

Â§ Animal inventory

Please fax or email these documents as per the Immediate Disclosure Request within 24 hours to 1-206-309-7265 or deniz_b@yahoo.com. Please call me to let me know when these documents will be available.

Thank you.

Deniz Bolbol

650-654-9955

650-248-4489

Denise Calhoun wrote:

Hello Deniz!

We are in receipt of your email related to the SSP's and will have a response for you this afternoon. Your subsequent request for 5 additional documents is being processed. Once I get the docs from the appropriate parties, they will be reviewed by the attorney, stamped and then sent back to me. I'll let you know when they are on their way back so you can come and pick them up and pay for copying charges like last time.

I'll keep you in the loop as the original docs may be in different departments throughout the zoo. I've had pretty good luck in getting docs timely, and I will attempt to turn this around for you as timely as possible.

Thanks,

Denise

Denise Calhoun

San Francisco Zoo

1 Zoo Road

San Francisco, CA 94132-1098

415.753.7160
415.753.7139 (fax)
denisec@sfzoo.org

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.



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 San Francisco Zoological Soc.
Name of individual contacted at Department or Commission _____

Alleged violation public records access
 Alleged violation of public meeting. Date of meeting _____

Sunshine Ordinance Section _____
(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.

see attached.

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

(Optional)¹
Your name Deniz Bolbol Address PO Box 5656 Redwood City, CA 94063
Date 3/4/08

Telephone _____ If anonymous, please let us know how to contact you.

Signature *Deniz Bolbol*

¹ 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. COMPLAINANTS CAN BE ANONYMOUS AS LONG AS THE COMPLAINANT PROVIDES A RELIABLE MEANS OF CONTACT WITH THE SOTF (PHONE NUMBER, FAX NUMBER, OR E-MAIL ADDRESS).

3/4/08

Sunshine Ordinance Complaint

The San Francisco Zoological Society (SFZS) is paid by the City of San Francisco to manage and operate the city-owned San Francisco Zoo. As per the San Francisco Zoo Lease and management Agreement, which mandates that SFZS "provide public access to information concerning the operation of the Zoo to the same extent that such information would have been available to the public ... if the Department had continued to operate the Zoo..."(section cited below).

On February 21, 2008, I sent a written Immediate Disclosure request (via email and fax) to Mr. Mollinedo, the zoo director, requesting specific information and documents.

The original email is below. A temporary employee responded to state the Zoo had received the inquiry. However, to date I have not received these documents nor have I been told when I might receive these documents.

I request the assistance of the Sunshine Ordinance Task Force in order to obtain public documents from SFZS pertaining to the city-owned Zoo and to avoid this type of problem in the future. In addition, SFZS has implemented a new policy by which they have their outside legal counsel review all documents before making them available to the public; I feel this internal process should not delay responding to public record requests.

I greatly appreciate your assistance.
Thank you for your prompt attention to this matter.
Deniz Bolbol
650.248.4489 mobile

16.2 Public Access to Records and Information. SFZS shall provide public access to information concerning the operation of the Zoo to the same extent that such information would have been available to the public pursuant to local ordinances if the Department had continued to operate the Zoo in the same manner as it did prior to the date of this Agreement. In addition, SFZS shall comply with all state and federal laws, rules and regulations that govern access by the public to records and information, including without limitation the California Public Records Act (California Government Code Secs. 6250 et seq.). Without limiting the foregoing, SFZS further agrees that (a) minutes shall be taken at each meeting of its Board of Directors, and that the minutes of those meetings shall be considered public documents available for public inspection in accordance with the Public Records Act, and (b) all information concerning the status of all animals exhibited or otherwise housed or cared for at the Zoo shall be deemed public information subject to public inspection under the Public Records Act.

ORIGINAL INQUIRY:

Date: Thu, 21 Feb 2008 17:44:17 -0800 (PST)
From: Deniz Bolbol <deniz_b@yahoo.com>
Subject: Immediate Disclosure Request: 5 SF Zoo document request
To: Denise Calhoun <DeniseC@sfzoo.org>, Manuel Mollinedo <manuelm@sfzoo.org>
CC: Michael Orosco <MichaelO@sfzoo.org>, deniz_b@yahoo.com
Dr. Mr. Mollinedo:

Pursuant to the California Public Records Act ("CPRA" - Government Code Section 6250 et seq.), as per the San Francisco Zoo Lease and Management Agreement section 16.2 and 16.2(b), and the Sunshine Ordinance and Immediate Disclosure Request which requires 24-hour response, please email or fax to the contact information below the following documents and information:

- § San Francisco Zoo's Collection Plan
- § List of Zoo management personnel
- § List of San Francisco Zoological steering committee members
- § Original design plan from exhibit designer for the "African Savannah"
- § Animal inventory

Please fax or email these documents as per the Immediate Disclosure Request within 24 hours to 1-206-309-7265 or deniz_b@yahoo.com. Please call me to let me know when these documents will be available.

Thank you.
Deniz Bolbol
650-654-9955
650-248-4489



Deniz Bolbol
<deniz_b@yahoo.com>

03/11/2008 02:08 PM

To Denise Calhoun <DeniseC@sfzoo.org>, Manuel Mollinedo
<manuelm@sfzoo.org>

cc soff@sfgov.org, MichaelO@sfzoo.org, bobj@sfzoo.org,
deniz_b@yahoo.com

bcc

Subject Re: Document Request

Mr. Mollinedo and Mr. Orosco,

Denise Calhoun emailed me yesterday indicating the documents that I requested on February 21 would be available for pick up today at the SF Zoo. It is now after 2p; I was told the documents would be made available by mid day.

I have not received a response to the email I sent earlier today and cannot reach Ms. Calhoun via telephone (the phone rings with no response).

I request immediate assistance in obtaining the documents I requested nearly three weeks ago.

Thank you,
Deniz Bolbol
650.248.4489

Deniz Bolbol <deniz_b@yahoo.com> wrote:
Mr. Mollinedo and Ms. Calhoun,

As per Ms. Calhoun's email yesterday, it is now day and I have not heard when I can pick up the documents requested on February 21.

Please advise me when I can pick up the requested documents.

Thank you.
Deniz Bolbol
650.654.9955

Deniz Bolbol <deniz_b@yahoo.com> wrote:
Mr. Mollinedo,

I am disappointed that my February 21, 2008 public record request has taken over two weeks to address.

I await your response so I can pick up **as soon as possible** the documents at the Zoo.

Thank you.
Deniz Bolbol

Denise Calhoun <DeniseC@sfzoo.org> wrote:
Hello Deniz,

I was out of the office all last week healing from injuries and returned to the office to find the Savannah

design at my desk - the last piece I was waiting for prior to the weekend... expected the package to be forwarded to the attorney during my absence; unfortunately, other issues within the department prevented that from happening. The courier is on its way to pick up your package for the attorney's review and stamping and should be turned around no later than tomorrow - I suspect it will be ready for you to pick up here at the Zoo by mid-day tomorrow.

Thanks for your patience - the pgk page count is 78. Talk to you tomorrow.

Denise Calhoun
San Francisco Zoo
1 Zoo Road
San Francisco, CA 94132-1098
415.753.7160
415.753.7139 (fax)
denisec@sfbay.com

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Deniz Bolbol
<deniz_b@yahoo.com>
03/12/2008 12:40 PM

To Denise Calhoun <DeniseC@sfzoo.org>
soff@sfgov.org, Michael Orosco <MichaelO@sfzoo.org>,
cc Bob Jenkins <BobJ@sfzoo.org>, "Manuel A. Mollinedo"
<ManuelMollinedo@sfzoo.org>, deniz_b@yahoo.com
bcc
Subject RE: Document Request

Denise,

You received my February 21 document request on February 21. See the email below. I sent the original request to you, Mr. Orosco, and Mr. Mollinedo.

It is inconceivable how Mr. Mollinedo, as director of the San Francisco Zoological Society, is placing the entire public-record-request responsibility on one temporary employee. If your portrayal of the situation is accurate, Mr. Mollinedo needs to take immediate action to reevaluate this process as the results are in violation of Immediate Disclosure requirements.

I will come to the HR trailer by 2p today.

Thank you for your assistance. I understand that you are only doing what you are told to do. However, there is a much larger problem with three-week delay in providing public documents and this needs to be addressed.

Deniz Bolbol
650.248.4489

Date: Thu, 21 Feb 2008 17:44:17 -0800 (PST)
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- Animal inventory

Please fax or email these documents as per the Immediate Disclosure Request within 24 hours to 1-206-309-7265 or deniz_b@yahoo.com. Please call me to let me know when these documents will be available.

Thank you.
Deniz Bolbol
650-654-9955
650-248-4489

Denise Calhoun <DeniseC@sfzoo.org> wrote:

Good Morning Deniz,

Your documents have arrived and are available to pick up at your convenience at the HR trailer. The document count is 78.

Please let me know your approximate time of arrival to ensure that you have access to the office. The door is typically locked if no one is there.

My apologies as to my direct phone line, as it was not set up with a voice mail option upon my arrival. Phone messages directed to me should be left through Michael Orosco until such time as the voice mail option is made available to my line.

To address the length of time you have had to wait for this request to be satisfied, please allow me to offer following information as it may assist you with document requests in the future:

- 1) Depending on who your request is initially addressed to, there may be a delay in the time it actually is provided to me. (As with this current request, my first vision to it was Monday, March 3.) I work a flexible schedule which at times may affect the specific time I see it.
- 2) Once I have the request, I forward it to the attorney for review and approval, while waiting for his response, I notify the specific Department(s) where the specific item may reside to deliver a copy to me. Please note that all documents do not reside in one specific location and depending on the specific department's circumstances it may take time to locate it, copy it and get it over to me timely. (Such was the case with one of your documents, i.e., it was finally obtained by Michael from the appropriate department and left at my desk late on Friday, March 7.)
- 3) Once all documents supporting a request are compiled, it is copied and a set is couriered to the attorney. The attorney reviews the documents, indexes and bates stamps them and returns them to me for final distribution. That timeframe is dependent upon the attorney's availability to review and process and is not under the Zoo's control. I assure you that they work as expeditiously as possible as well.
- 4) Once the package is sent back to me, I notify the requestor that the package is available.

I can assure you that everyone involved in this process attempts to satisfy all requests in an efficient, and timely manner; however, there are times when that just cannot be accomplished due to unexpected events - if even one small portion of the process is delayed it delay's the entire process. As I explained in my email to you this past Monday, I sustained an injury over the weekend of the 1st which incapacitated me for the entire week and even though we have a backup process in the HR Dept, there were other issues out of everyone's control that ultimately effected the turnaround time related to your request. We communicated with you along the way what obstacles we were up against.

I do apologize that you had to wait for these documents. I hope you can appreciate that since the tragedy this past December has impacted the Zoo greatly with a high volume of document requests and there are only a few administrative people to facilitate the everyday workflow let alone absorb the efforts for document production. I assume that you will have future requests for Zoo documents and would request that you give consideration to this process as you go forward and allow a reasonable timeframe within which we can respond effectively. I am not sure, at this point, to what timeframe this specific process will continue - I plan to ascertain that before the week is out! I am sure it will not always be this involved but right now will all things considered, this is the process.

I might suggest that your future requests initially be directed simultaneously to Michael Orosco and me in an effort to being the accumulation process on the day you submit it, and I can assure you we will continue to do our best to satisfy your request timely.

I look forward to hearing from you today related to picking up this package of documents.

Denise

From: Deniz Bolbol [mailto:deniz_b@yahoo.com]
Sent: Tuesday, March 11, 2008 2:08 PM
To: Denise Calhoun; Manuel A. Mollinedo
Cc: sotf@sfgov.org; Michael Orosco; Bob Jenkins; deniz_b@yahoo.com
Subject: Re: Document Request

Mr. Mollinedo and Mr. Orosco,

Denise Calhoun emailed me yesterday indicating the documents that I requested on February 21 would be available for pick up today at the SF Zoo. It is now after 2p; I was told the documents would be made available by mid day.

I have not received a response to the email I sent earlier today and cannot reach Ms. Calhoun via telephone (the phone rings with no response).

I request immediate assistance in obtaining the documents I requested nearly three weeks ago.

Thank you,
Deniz Bolbol
650.248.4489

Deniz Bolbol <deniz_b@yahoo.com> wrote:
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Thank you.
Deniz Bolbol
650.654.9955

Deniz Bolbol <deniz_b@yahoo.com> wrote:

Mr. Mollinedo,

I am disappointed that my February 21, 2008 public record request has taken over two weeks to address.

I await your response so I can pick up **as soon as possible** the documents at the Zoo.

Thank you.
Deniz Bolbol

Denise Calhoun <DeniseC@sfzoo.org> wrote:

Hello Deniz,

I was out of the office all last week healing from injuries and returned to the office to find the Savannah design at my desk - the last piece I was waiting for prior to the weekend... I expected the package to be forwarded to the attorney during my absence; unfortunately, other issues within the department prevented that from happening. The courier is on its way to pick up your package for the attorney's review and stamping and should be turned around no later than tomorrow - I suspect it will be ready for you to pick up here at the Zoo by mid-day tomorrow.

Thanks for your patience - the pgk page count is 78. Talk to you tomorrow.

Denise Calhoun
San Francisco Zoo
1 Zoo Road
San Francisco, CA 94132-1098
415.753.7160
415.753.7139 (fax)
denisec@sfzoo.org

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Deniz Bolbol
<deniz_b@yahoo.com>
03/13/2008 02:23 PM

To SOTF <sotf@sfgov.org>
cc
bcc
Subject Re: Fwd: RE: Document Request

Hi Chris,

I will be at the hearing on March 25. Thank you again for your assistance.

Best,
Deniz

SOTF <sotf@sfgov.org> wrote:
Hello Deniz,

If you want to address the response issue, leave your complaint as it is and come to the hearing and explain what happened.

You can also withdraw the complaint if you are satisfied with their explanation.

Chris Rustom
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
SOTF@SFGov.org
OFC: (415) 554-7724
FAX: (415) 554-7854

Complete a SOTF Customer Satisfaction Survey by clicking the link below.
http://www.sfgov.org/site/sunshine_form.asp?id=34307

Deniz Bolbol
m> To
sotf@sfgov.org
03/12/2008 08:12 cc
PM
Subject
Fwd: RE: Document Request

Hello Chris,

I am happy to report that I picked up the documents today at approximately 2p.

I would still like to address the Zoo's delay to my response - but I am uncertain how the SOTF handles a situation such as this.

Please let me know.

Thank you.

Deniz Bolbol

Deniz Bolbol wrote:

Date: Wed, 12 Mar 2008 12:40:17 -0700 (PDT)

From: Deniz Bolbol

Subject: RE: Document Request

To: Denise Calhoun

CC: sotf@sfgov.org, Michael Orosco ,
Bob Jenkins ,

"Manuel A. Mollinedo" , deniz_b@yahoo.com

Denise,

You received my February 21 document request on February 21. See the email below. I sent the original request to you, Mr. Orosco, and Mr. Mollinedo.


It is inconceivable how Mr. Mollinedo, as director of the San Francisco Zoological Society, is placing the entire public-record-request responsibility on one temporary employee. If your portrayal of the situation is accurate, Mr. Mollinedo needs to take immediate action to reevaluate this process as the results are in violation of Immediate Disclosure requirements.

I will come to the HR trailer by 2p today.

Thank you for your assistance. I understand that you are only doing what you are told to do. However, there is a much larger problem with three-week delay in providing public documents and this needs to be addressed.

Deniz Bolbol

Rose Dennis /RPD/SFGOV
03/13/2008 08:47 AM

To SOTF/SOTF/SFGOV@SFGOV
cc deniz_b@yahoo.com, manuelm@sfzoo.org,
SOTF/SOTF/SFGOV@SFGOV
bcc
Subject Re: Sunshine Complaint Received: #08015_Deniz Bolbol vs
SF Zoological Society 

The San Francisco Recreation and Park Department is in receipt of this correspondence. We will defer to the Zoological Society for direct follow up on this inquiry.

Thank you, Recreation and Park Department
SOTF

SOTF
Sent by: SOTF
03/10/2008 02:49 PM

To: deniz_b@yahoo.com, manuelm@sfzoo.org
cc: Rose Dennis/RPD/SFGOV@SFGOV
Subject: Sunshine Complaint Received: #08015_Deniz Bolbol vs SF Zoological
Society

This e-mail is to confirm that the attached complaint and support documents have been received. The Department is required to submit a response to the charges to the Task Force within five business days of receipt of this notice. Please refer to complaint number #08015 when submitting any new information and/or supporting documents pertaining to this complaint.



08015 Complaint.pdf

If the Department contests jurisdiction or if the parties request a prehearing conference a hearing will be scheduled with the Complaint Committee of the Sunshine Ordinance Task Force who will determine whether the Task Force has jurisdiction over this matter, to focus the complaint and/or to otherwise assist the parties to the complaint.

Date: Tuesday, April 8, 2008
Location: City Hall, Room 406
Time: 4:00 P.M.

If the Department does not contest jurisdiction or if the parties don't request a prehearing conference a hearing will be scheduled with the full Sunshine Ordinance Task Force who will hear the merits of the complaint and issue a determination.

Date: Tuesday, March 25, 2008
Location: City Hall, Room 408
Time: 4:00 P.M.

Complainants: Your attendance is required at this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Any support documents to be considered by committee members, prior to the meeting, must be submitted by 4:00 P.M. Tuesday, April 1, 2008, if jurisdiction is contested or Tuesday, March 18, 2008, if jurisdiction is not contested.

Also, attached is the Sunshine Ordinance Task Force's complaint process.



Complaint Process.pdf

Chris Rustom, Assist. Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
OFC: (415) 554-7724
FAX: (415) 554-7854
SOTF@sfgov.org