

City Attorney Office Response for Written City Attorney Opinion Regarding 1988 Prop Q

[Note: Ms. Corbett is a "Claims Investigator" at CAO Who Replaced Gabriel Zitrin as CAO PIO Matt Dorsey's Assistant.

Bold Text in the Body of the CAO Response is "Emphasis Added"]

Date: 6/1/2015 2:01 PM
From: CityAttorney@sfgov.org
Subject: **IMMEDIATE DISCLOSURE REQUEST FOR PUBLIC RECORDS: Written City Attorney "Opinion" on Prop. Q Hearings**
To: pmonette-Shaw@earthlink.net
cc: Sophia.Corbett@sfgov.org

Mr. Monette-Shaw,

On May 22, 2015, our Office received your Immediate Disclosure Request, seeking:

All "written City Attorney opinion(s) issued in the recent past (or all the way back to 1988) regarding the 1988 Prop Q, 'Community Health Care Planning Ordinance,'" and all "written City Attorney opinions addressing what the Health Commission is required to do during Prop Q public hearings."

Because your Request sought records from a time period spanning nearly three decades and requires extensive research, we notified you that the Request exceeded the standard of "simple, routine or otherwise readily answerable" required for Immediate Disclosure Requests and that our Office would therefore process it as a standard public records request and respond within the applicable 10-day response time.

Our Office has completed a thorough search for the records requested.

To the extent that your request seeks **formal written opinions issued by our Office regarding Proposition Q** dating back to 1988, **no responsive records exist.**

To the extent your request seeks any **written communication from our Office pertaining to Prop. Q**, such communication, if it exists, constitutes protected attorney-client communication and/or attorney work product and is exempt from and would be withheld from disclosure. See S.F. Admin. Code § 67.21(k) (release of records under the Sunshine Ordinance governed by the Public Records Act in particulars not addressed by the Ordinance); Cal. Gov't Code § 6254(k) (protecting from disclosure records that are confidential under federal or state law, including provisions of the Evidence Code relating to privilege); Cal. Evid. Code § 954 (communications between attorneys and their clients are privileged); Cal. Code of Civil Pro. § 2018.030 (protecting from disclosure any writing that reflects an attorney's impressions, conclusions, opinion, or legal research or theories); see also Cal. Gov't Code § 6276.04 (cross-referencing in the Public Records Act the attorney-client and attorney work product privileges).

We hope this satisfies your Request.

Thank you.

Best,

Sophia

Responding for cityattorney@sfgov.org