

Letter to Sent via Fax No. 255-8762

Bruce Brugman, Editor and Publisher

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the public and the press to City decision-making. He has consistently demonstrated that he takes seriously his responsibility to the people of San Francisco to make sure that the City and its officials conduct their business lawfully and openly. Since he took office in 2002, the City Attorney has taken a number of novel steps demonstrating his personal pledge and the commitment of his Office to sunshine. For instance, he made many significant legal opinions publicly available through the City Attorney's website. He published a Good Government Legal Guide, providing an overview of the laws governing the conduct of public officials, and made the guide – which is updated each year – available on the City's website. He has been personally involved in the sunshine training of City officials. And he has made sure that there is adequate training within the office so that deputies who advise our City client about sunshine matters are knowledgeable about public records and public meeting laws.

The policy of this Office is to be as assertive as we can in advising our City client to disclose documents when the documents are public records that must be disclosed and to err in favor of public access whenever there is a question about whether a document is publicly available under the Sunshine Ordinance. Still, there are limited instances where documents may be lawfully withheld by City officials; where, for example, constitutionally protected privacy rights of City residents are involved or where other legally recognized exceptions apply. In these exceptional instances, when a City client withholds a document consistent with our legal advice, it has been the long-standing practice of this Office to defend the lawfulness of the decision of our City client if there is a challenge. That is part of our Charter duty and professional responsibility as legal counsel for the City. It is neither the policy nor practice of this Office to represent City officials or employees for purpose of denying access to the public where the public has a lawful right to that access.

Very truly yours,

DENNIS J. HERRERA

City Attorney



PAULA JESSON

Deputy City Attorney