IMMEDIATE DISCLOSURE REQUEST FOR PUBLIC RECORDS: Mayor Lee's Restoration of Mental Health Budget Cuts

August 3, 2013

Monique Zmuda
Deputy Controller
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco, SF 94102

Dear Ms. Zmuda,

This is an Immediate Disclosure Request for public records under San Francisco's Sunshine Ordinance, the California Public Records Act, Proposition 59, and the Brown Act.

1.   On June 18, during the Board of Supervisor's "Bielenson hearing" on proposed reductions in services in DPH's FY 13-14 and FY 14-15 budget, Director of Public Health Barbara Garcia repeatedly testified in answer to direct questions from Supervisors Malia Cohen and London Breed that Mayor Ed Lee had restored "all cuts to mental health services." Garcia repeatedly said the Mayor had restored "all" mental health services..

2.   To date, Ms. Garcia and her public information officer, Eileen Shields, have failed to respond to a records request I placed the next day on June 19, requesting any written documentation that DPH or Ms. Garcia may have received from the Mayor prior to (or after) June 18 itemizing any and all mental health services the Mayor may have restored. In my June 19 records request to Ms. Garcia, I noted she would have been unlikely to have made any such an assurance to the Board of Supervisors unless she had already received — and had in hand — written documentation from the Mayor indicating which mental health services he had restored prior to the Bielenson Hearing.

3.   On July 6, I submitted a records request to the Mayor's budget director, Kate Howard, asking for a list "showing each — and all — of the mental health services Mayor Lee restored to the City's and DPH's budget, the programmatic area involved, the dollar amount the Mayor restored, and on what date the Mayor had restored each proposed cut." Following some delay, rather than receiving a response from Ms. Howard's office, I received a response from Kirsten Macaulay in the Mayor's Office of Communications on July 16, in which Macaulay stated that "this office does not have any responsive documents" [to my records request].

   Notably I had NOT asked whether the Mayor's Office of Communications had responsive documents, I had expressly asked the Mayor's Budget Office — specifically Ms. Howard — whether it, and specifically she, had responsive budget records.

   More brazenly, Ms. Macaulay suggested in her July 16 response, that the Mayor's Office of Communications was "recommending that [I should] contact other City departments, including the San Francisco Department of Public Health, for possible responsive documents." By that point I had already contacted DPH, which had all but ignored my records request. And Macaulay all but ignored that if it had been the Mayor who had restored mental health cuts, his office, not DPH, should be the "owner" of the responsive documents. I should not have to approach DPH for a document any of the various sub-departments of the Mayor may have authored. Why the Mayor's press office thinks I should have to obtain from another City department a document possibly created by one or the other of the Mayor's office, is ludicrous at best.

Therefore:

4.   Please provide any and all records that the Controller's Office may have that show which mental health services the Mayor restored between his proposed budget submission and his final budget submission that were restored **prior to** the June 18 Bielenson hearing on which Ms. Garcia based her claim to Supervisors Cohen and Malia that Lee had restored.

I am expressly asking for mental health services restored by Mayor Lee, not the paltry mental health services restored by the Board of Supervisors following the Bielenson hearing and adopted in the final budget.

Thanks.

Patrick Monette-Shaw
Columnist
Westside Observer Newspaper