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Law in the Service of the Public

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From: Marleen Sacks [n[redacted]]
Sent: Tuesday, March 31, 2009 12:38 PM
To: Abney, Michelle
Cc: Siegel, Kevin D.; Morodomi, Mark; Brunner, Jane; maya_dillard_smith@yahoo.com; krayburn@bayareanewsgroup.com
Subject: Measure Y Public Records Request

Dear Ms. Abney:

This is a request for public records pursuant to the Public Records Act.

I read in today's Tribune that one of the proposals that is being discussed tonight is to reduce the budget, particularly for the police department, by paying for 14 PSO positions out of Measure Y, rather than the General Fund.

It is my understanding that for many years, approximately 14 PSO positions have been paid for out of the General Fund, because those positions existed prior to the passage of Measure Y. Measure Y requires that an additional 63 positions be funded from Measure Y, over and above the positions that existed when Measure Y was passed. Therefore, if the City begins using Measure Y funding to cover the salaries of the PSOs previously covered by the General Fund, it must still ensure that at least 63 Measure Y positions are funded and filled, over and above the 739 budgeted by the General Fund and/or other non-Measure Y sources, and that all of the legal requirements for Measure Y are met. The City must still use non-Measure Y sources to pay for at least 739 officers, plus any officer that is not eligible for Measure Y funding (i.e. officers not assigned solely to Measure Y duties).

In order to ensure continued compliance with Measure Y (and in recognition for the previous lack of compliance), I am asking for the following documentation:

1. Any and all documents that reflect whether this proposal has been presented to the Measure Y Oversight Committee, and the action taken by the Committee on the proposal;

2. Any and all documents that reflect (a) the positions currently paid for out of Measure Y; (b) the number of positions currently paid for out of Measure Y; (c) the names of the persons currently occupying those positions; (d) the date those positions were initially filled/funded and paid out of Measure Y.

3. Any and all documents referring or relating to the proposal to begin charging Measure Y, as opposed to the General Fund, for the 14 PSO positions previously funded out of the General Fund, including internal correspondence regarding this proposal.

4. Any and all documents comprising formal legal opinions from the City Attorney's office on the permissibility of funding the 14 PSO positions from Measure Y.

You may transmit the responsive documents electronically, if that is easier or feasible, or copies can be mailed to me at the address below. Thank you for your prompt attention to this request. Please contact me if you have any questions.

Attachment 4A