

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
July 29, 2016**

DATE ISSUED
June 1, 2016

CASE TITLE – Bob Planthold v. State Legislation Committee (File No. 16036)

FACTS OF THE CASE

On April 11, 2016, Bob Planthold (Complainant) filed a complaint alleging that the State Legislation Committee (Respondent) violated Administrative Code (Sunshine Ordinance), Section 67.7, by failing to post the April 13, 2016, agenda online 72 hours prior to the meeting and failing to post cancellation notices prior to meetings.

HEARING ON THE COMPLAINT

On June 1, 2016, the Sunshine Ordinance Task Force (Task Force) heard the matter.

Mr. Planthold provided an overview of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. Andrew Dayton, Mayor's Office (Respondent); provided a summary of the department's response to the complaint. Mr. Dayton acknowledged that due to the absence of technical staff the agenda was not posted in a timely manner and the meeting was canceled in order to avoid violating the Sunshine Ordinance. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Complainants were provided the opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that violations of Administrative Code (Sunshine Ordinance), Sections 67.7 (a) and (c), occurred.

DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force found that the State Legislation Committee violated Administrative Code (Sunshine Ordinance), Sections, 67.7 (a) and (c), by failing to post a current agenda on its Internet site at least 72 hours before a regular meeting and failing to post the agenda in a location that is freely accessible to members of the public, without prejudice.

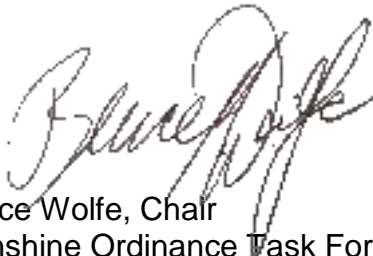
The motion PASSED by the following vote:

Ayes: 8 - Eldon, J. Wolf, Tesfai, B. Wolfe, Maass, Cannata, Hinze, Hyland

Noes: 0 - None

Absent: 2 - Chopra, Fischer

The Task Force referred the matter to the Education, Outreach and Training Committee for discussions with the Respondent, at a minimum, regarding the responsibility of the departments to post agendas in a timely manner and the disconnect between the clerks who generate agendas and the webmasters who post the agendas. It request that the Committee generate a letter to all city departments heads stating that they are ultimately responsible for their departments postings and request that they review possible disconnects between the policy body's clerks and the webmasters. The issue of proper procedures to post agendas and cancellation notices should be addressed.

A handwritten signature in dark ink, appearing to read 'Bruce Wolfe', is positioned above the printed name and title.

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney
Bob Planthold, Complainant
Andrew Dayton, Mayor's Office
Kirsten Macaulay, Mayor's Office