

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
July 17, 2018**

DATE DECISION ISSUED
June 6, 2018

**CASE TITLE – Ann Treboux against Anne Trickey and the Arts Commission
(File No. 17067)**

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

Complaint filed by Ann Treboux against Anne Trickey and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.7, by failing to post an agenda for a policy body (Program Director Hearing, June 14, 2017).

HEARING ON THE COMPLAINT

On August 22, 2017, the Complaint Committee acting in its capacity to hear petitions/complaints determined that the SOTF has jurisdiction over the matter and referred the matter to the SOTF.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux stated that the Program Director meeting is a policy body and that an agenda should have been provided to the public.

Kate Patterson, Arts Commission (Respondent), provided summary of the department's position. Ms. Patterson provided a description of the Program Director's meetings and stated that it is not a policy body nor a passive meeting body as only one employee sits on it to deal with various issues such as disputes between street artists. Ms. Patterson stated only street artist and other stakeholders receive notices of the Program Director's meetings.

On June 6, 2018, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux stated that this was a meeting of a policy body and that no agenda was made available. There were no speakers on behalf of the Petitioner.

Rebekah Krell, Arts Commission (Respondent), provided a summary of the department's position. Ms. Krell stated that the Program Director's meeting is not a policy body pursuant to Sunshine Ordinance 67.3(d)(6) as the Program Director's meeting consists of only City employees. There were no speakers on behalf of the Respondent.

The SOTF opined that pursuant to the Sunshine Ordinance the Program Director's meeting does not appear to be a policy body. The SOTF noted that the language located at the end of the agenda is template language and does not imply that the Program Director's meeting is a policy body.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Arts Commission **DID NOT VIOLATE** Administrative Code (Sunshine Ordinance), Section 67.7.

DECISION AND ORDER OF DETERMINATIONS

On June 6, 2018, Member Hinze, seconded by Vice Chair Hyland, moved to find that the Arts Commission **DID NOT VIOLATE** Administrative Code, (Sunshine Ordinance) Section 67.7.

The motion PASSED by the following vote:

Ayes: 6 – Tesfai, Cannata, Fischer, Hinze, Hyland and B. Wolfe
Noes: 1 – J. Wolf



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Ann Treboux (Petitioner/Complainant)
Kate Patterson, Arts Commission (Respondent)

