

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
July 3, 2009**

DATE THE DECISION ISSUED
June 23, 2009

PAUL WESTON v. ST. VINCENT de PAUL SOCIETY (09029)

FACTS OF THE CASE

On 5/2/2009, Paul Weston made a Sunshine Public Records Request for "All notes and/or minutes of all community meetings held at Multi Service Center South ("MSC South") between 12/26/08 to 5/2/2009 with the St. Vincent de Paul Society ("Society") which is a non-profit community organization and is under contract with the City's Department of Human Services to run MSC South. In response to the request, the Society responded that the documents did not exist.

COMPLAINT FILED

On 5/18/2009, Paul Weston filed a Sunshine Complaint against the Society for its alleged violation of Section 67.25 of the Ordinance.

HEARING ON THE COMPLAINT

On June 23, 2009 Complainant Paul Weston appeared before the Task Force and presented his claim. The Society was represented by Chris Cody, its executive director.

Paul Weston told the Task Force that he had seen employees of the Society take notes during the community meetings and all minutes and notes taken at the meetings are public documents because the contract between DHS and the Society stated that all community meetings were public meetings.

Chris Cody said minutes have never been taken for the community meetings during the years the Society had operated MSC South. He noted that a staff member had taken notes, but that those notes were not saved. Chris Cody also stated that Chapter 12L does not require the Society to keep notes and minutes of the community meetings.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force found that there was no violation because Chapter 12L does not make minutes or notes taken during the Society's monthly community meetings between program directors and the Society's clients public records governed by the Sunshine Ordinance, nor is the Society required by 12L to take minutes or notes during the community meetings (as opposed to the Board of Director meetings required by 12L).

DECISION AND ORDER OF DETERMINATION

Based on the foregoing, the Task Force found no violation. However, the Task Force noted that although the requirement did not exist, the Society was encouraged to take minutes during the community meetings and treat them as public records so that it could reference the minutes as needed and if a dispute arose.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on June 23, 2009, by the following vote: (Goldman / Knee)

Ayes: Craven-Green, Knee, Cauthen, Washburn, Knoebber, Johnson, Chan, Goldman, Chu

Excused: Williams



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Paul Weston, Complainant
Chris Cody, Respondent