

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227

ORDER OF DETERMINATION

June 2, 2009

DATE THE DECISION ISSUED

May 26, 2009

*AHIMSA PORTER SUMCHAI v. SAN FRANCISCO BOARD OF SUPERVISORS
(09014)*

FACTS OF THE CASE

Complainant, Dr. Ahimsa Porter Sumchai indicated that the Board of Supervisors cancelled their regularly scheduled meeting for the week of March 9 -13, 2009, and that six members of the Board went to Washington, D.C., to meet with Senator Dianne Feinstein and House Speaker Nancy Pelosi.

COMPLAINT FILED

On March 18, 2009, Dr. Sumchai filed a complaint with the Task Force alleging that the Board conducted a policy body meeting while in Washington D.C. without providing public notice of the meeting and without providing an opportunity for Public Comment in violation of the Public Records Act, Brown Act and the Sunshine Ordinance.

HEARING ON THE COMPLAINT

On April 28, 2009, Complainant Dr. Ahimsa Sumchai appeared before the Task Force and presented her claim. Respondent Agency was represented by Frank Darby, the Records and Information Manager for the Board of Supervisors. The hearing was continued to May 26, 2009, because Dr. Ahimsa Sumchai claimed that she had information that a majority of the members of the Board of Supervisors held non-public and non-noticed meetings with federal officials and discussed topics within their jurisdiction as Board Members.

At the May 26, 2009 meeting, Dr. Ahimsa Sumchai pointed to the following proof of the alleged improper meeting; first, that a meeting with Senator Feinstein that was referenced by the president of the San Francisco Chamber of Commerce in an *Examiner* article, and, second, information provided by the Mayor's Office indicated that the transfer of Treasure Island was to be discussed by members of the San Francisco delegation with federal officials. Dr. Sumchai reiterated that during the Chamber of Commerce sponsored trip there was clear evidence that all six members of the Board of Supervisors had opportunities to

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discuss federal funding for San Francisco initiatives, but the public was not allowed to participate.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Task Force acknowledged that Dr. Ahimsa Sumchai had submitted an additional 500 pages of documents regarding the DC trip, but could not find proof in those documents that the Supervisors violated the Sunshine Ordinance or the Brown Act. The Task Force noted that members of the Board of Supervisors meeting with their federal representatives was not a violation of the Brown Act or the Sunshine Ordinance unless there is clear evidence that a majority of the members of the Board of Supervisors met with specific federal representatives (or as a group) to discuss matters within the jurisdiction of the Board of Supervisors.

The Task Force agreed to advise the Board of Supervisors to refrain from having a majority of Supervisors participate in non-public "conferences" or "lobbying" trips because of the potential for public meeting law violations.

DECISION AND ORDER OF DETERMINATION

The Task Force found that there was no proof that a violation of the Sunshine Ordinance or Brown Act occurred during the Washington, DC trip by members of the Board of Supervisors.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 26, 2009, by the following vote (Goldman / Knee)

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

Noes: Williams

Excused: Cauthen, Chan

The Task Force however agreed to advise the Board of Supervisors to refrain from having a majority of Supervisors attend non-public meetings.



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Dr. Ahisma Sumchai, complainant
Frank Darby, Records and Information Manager
Ernie Llorente, Deputy City Attorney