

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
October 2, 2008**

DATE THE DECISION ISSUED
September 23, 2008

TOMAS PICARELLO v. SUPERVISOR JAKE MCGOLDRICK (08034)

FACTS OF THE CASE

Complainant Tomas Picarello has attended the Board of Supervisor's Budget Committee hearings from June 8, 2008 to the present. During these hearings, Tomas Picarello observed that public comment was not allowed at each of the meetings discussing the 2008 budget, but instead was limited to and taken only at the June 19, 2008 meeting.

COMPLAINT FILED

On June 25, 2008, Tomas Picarello filed a complaint against Supervisor Jake McGoldrick alleging that Supervisor McGoldrick excluded public comment on budget items that had been discussed at the June 19, 2008 hearing, and then carried over to a later hearing.

HEARING ON THE COMPLAINT

On September 23, 2008, Complainant Thomas Picarello appeared before the Task Force and presented his claim. Supervisor McGoldrick was represented by his aide, Pooja Jhunhunwala..

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that the limiting of public comment on the budget meetings to the June 19, 2008 meeting did not violate section 67.15 of the Sunshine Ordinance or the Brown Act.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that Supervisor McGoldrick did all that was required under the Sunshine Ordinance and noted that public comment on June 19, 2008, lasted eight hours.

ORDER OF DETERMINATION

This Order of Determination was adopted by the Sunshine Ordinance Task Force on September 23, 2008, by the following vote: (Goldman / Washburn)

Ayes: Craven, Knee, Cauthen, Washburn, Goldman, Chan

Noes: Knoebber, Williams

Recused: Chu

Absent: Pilpel

A handwritten signature in black ink that reads "Kristin F. M. Chu". The signature is written in a cursive, flowing style.

Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Honorable Supervisor Jake McGoldrick
Thomas Picarello
Ernie Llorente, Deputy City Attorney