

Date February 28, 2012

Item No. 6

File No. _____

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

ITEMS

Minutes - January 24, 2011

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Completed by: Andrea Ausberry Date February 22, 2012

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**SUNSHINE ORDINANCE TASK FORCE
CITY AND COUNTY OF SAN FRANCISCO
Draft MINUTES**

**Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

January 24, 2012 – 4:00 PM

Regular Meeting

Members: Hope Johnson (Chair), Bruce Wolfe (Vice-Chair)
David Snyder, Richard Knee, Sue Cauthen, Suzanne Manneh,
Allyson Washburn, Jay Costa, Hanley Chan, Jackson West

1. Call to Order, Roll Call and Agenda Changes. (4:06 p.m. - 4:12 p.m.)

The meeting was called to order at 4:06 p.m. On the Call of the Roll, Member Snyder, Member Costa, Member Chan and Member West were noted absent. Member Cauthen was noted absent at 6:55 p.m. Member Costa noted absent at 6 p.m. Member Chan noted absent at 6:52. Member Costa noted present at 9:33 p.m. Member Snyder noted absent at 11:03 p.m.

Vice-Chair Wolfe, seconded by Member Knee, motioned to excuse Member West.

Public Comment: None.

The motion passed without objection.

Member Snyder, Member Costa and Member Chan were noted present at 4:08 p.m.

Chair Johnson announced that Items 22 and 23 would not be heard because the complainant had requested a continuance.

Items 16 and 17 were heard before Item 11.

One break was taken at 5:55 p.m. and another at 8:28 p.m..

2. Approval of Minutes from the October 25, 2011, Regular Meeting. (4:12 p.m. - 4:46 p.m.)

Wolfe, seconded by Member Manneh, motioned to approve the minutes.

Several amendments were made to the minutes.

Member Knee motioned to continue the minutes but died for a lack of a second.

Public Comment: Peter Warfield, Tomas Picarello, Ray Hartz, Doug Comstock and Charles Pitts expressed their views.

Member Washburn, seconded by Member Knee, motioned to continue the minutes to the February 28, 2012, meeting.

The motion carried by the following vote:

Ayes: 9 – Snyder, Knee, Cauthen, Manneh, Washburn, Costa, Wolfe, Chan, Johnson

Excused: 1 – West

3. **Approval of Minutes from the November 29, 2011, Special Meeting. (4:47 p.m. - 5:08 p.m.)**

Items 3 and 4 were taken at the same time.

Member Washburn, seconded by Member Knee motioned to have the Rules Committee review it before placing it on the February 28, 2012, meeting agenda.

A substitute motion was offered.

Chair Johnson, seconded by Wolfe, motioned to have members submit their suggested corrections to the administrator before the February 28, 2012, meeting

Public Comment: Ray Hartz, Peter Warfield, Nick Pasquariello, Tomas Picarello and Charles Pitts expressed their views.

4. **Approval of Minutes from the December 14, 2011, Special Meeting.**

Please see Item 3.

5. **Approval of the Task Force Annual Report to Board of Supervisors. (5:20 p.m. - 5:37 p.m.)**

Members discussed the document and moved to finalize it.

Public Comment: Peter Warfield expressed his views.

Wolfe, seconded by Member Washburn, motioned to approve the amended report.

The motion carried by the following vote:

Ayes: 9 – Snyder, Knee, Cauthen, Manneh, Washburn, Costa, Wolfe, Chan, Johnson

Excused: 1 – West

6. **Discussion of Changing Time and Day of Week the Sunshine Ordinance Task Force holds Regular Monthly Meetings.** (5:37 p.m. - 5:56 p.m.)

Members discussed various dates for the Task Force and its committees.

Public Comment: Ray Hart expressed his view.

Member Costa, seconded by Vice-Chair Wolfe, motioned to change the Task Force's regularly monthly meetings to the 1st Wednesday of the month, effective March 7, 2012.

Public Comment: None.

The motion carried by the following vote:

Ayes: 9 – Snyder, Knee, Cauthen, Manneh, Washburn, Costa, Wolfe, Chan,
Johnson
Excused: 1 – West

7. **File No. 11067:** Determination of jurisdiction on complaint filed by Anonymous against Deputy City Attorney Cheryl Adams for allegedly violating Ordinance Section 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), 67.15 (Public Testimony), and 67.21 (Access to Public Records) at a recent Board of Supervisors Land Use Committee meeting. (6:06 p.m. - 7:25 p.m.)

Vice-Chair Wolfe, seconded by Member Knee, motioned to find jurisdiction.

Public Comment: None.

The motion carried without objection.

8. **File No. 11067:** Hearing on complaint filed by Anonymous against Deputy City Attorney Cheryl Adams for allegedly violating Ordinance Section 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), 67.15 (Public Testimony), and 67.21 (Access to Public Records) at a recent Board of Supervisors Land Use Committee meeting.

Complainant Anonymous presented her case. An unidentified, female, Ray Hartz, and two unidentified males spoke in support of the Complainant. The Respondent was not present. No one in the audience presented facts and evidence in support of the Respondent.

Task Force members were discussing the complaint when the Respondent withdrew the case.

9. **File No. 11079:** Determination of jurisdiction on complaint filed by Anonymous against Deputy City Attorney Cheryl Adams for allegedly violating certain sections of the Sunshine Ordinance. (7:26 p.m. - 8:20 p.m.)

Member Washburn, seconded by Member Knee, motioned to find jurisdiction.

Public Comment: None.

The motion carried without objection.

10. **File No. 11079:** Hearing on complaint filed by Anonymous against Deputy City Attorney Cheryl Adams for allegedly violating certain sections of the Sunshine Ordinance.

Complainant Anonymous presented her case. An unidentified male spoke in support of the Complainant. The Respondent was not present. No one in the audience presented facts and evidence in support of the Respondent.

Vice-Chair Wolfe, seconded by Member Washburn, motioned to find DCA Cheryl Adams in violation of Section 67.21(e) for not attending the hearing and a letter to be forwarded to the City Attorney's Office because of their lack of appearance.

Public Comment: An unidentified male, Ray Hartz, and an unidentified female expressed their views.

The motion carried by the following vote:

Ayes: 6 – Snyder, Knee, Manneh, Washburn, Wolfe, Johnson

Excused: 1 – West

Absent: 3:-- Cauthen, Costa, Chan

11. **File No. 11066:** Determination of jurisdiction on complaint filed by Anonymous against Deputy City Attorney Charles Sullivan for allegedly violating Ordinance Section 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), 67.15 (Public Testimony), and 67.21 (Access to Public Records) at a recent Board of Supervisors Land Use Committee meeting. (8:38 p.m. - 9:57 p.m.)

Items 11 and 13 were taken together as requested by the Complainant.

Vice-Chair Wolfe, seconded by Member Washburn, motioned to find jurisdiction.

Public Comment: None.

The motion carried without objection.

12. **File No. 11066:** Hearing on complaint filed by Anonymous against Deputy City Attorney Charles Sullivan for allegedly violating Ordinance Section 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), 67.15 (Public Testimony), and 67.21 (Access to Public Records) at a recent Board of Supervisors Land Use Committee meeting.

Items 12 and 14 were taken together as requested by the Complainant.

Complainant Anonymous presented her case. An unidentified male, Ray Hartz, and an unidentified male spoke in support of the Complainant. The Respondent was not present. No one in the audience presented facts and evidence in support of the Respondent.

Member Knee, seconded by Vice-Chair Wolfe, motioned to find DCA Charles Sullivan in violation of Section 67.21(e) for not attending the hearing and for a letter to be forwarded to the City Attorney's Office because of their lack of appearance.

Public Comment: An unidentified male expressed his view.

The motion carried by the following vote:

Ayes: 7 – Snyder, Knee, Manneh, Washburn, Costa, Wolfe, Johnson
Excused: 1 – West
Absent: 2:-- Cauthen, Chan

13. **File No. 11080:** Determination of jurisdiction on complaint filed by Anonymous against Deputy City Charles Sullivan for allegedly violating certain sections of the Sunshine Ordinance.

Please see Item 11.

14. **File No. 11080:** Hearing on complaint filed by Anonymous against Deputy City Attorney Charles Sullivan for allegedly certain sections of the Sunshine Ordinance.

Please see Item 12.

15. Reconsideration of **File No. 11008:** Complaint filed by William Clark against the Arts Commission regarding incomplete audio cassette tape of the January 12, 2011 Street Artists Program Committee meeting. 9:57 p.m. - 10:56 p.m.)

William Clark presented his complaint. Julios Mattos represented the Arts Commission.

Member Knee, seconded by Member Washburn, motioned to continue the matter.

Public Comment: Ray Hartz expressed his view.

The motion carried by the following vote:

Ayes: 7 – Snyder, Knee, Manneh, Washburn, Costa, Wolfe, Johnson
Excused: 1 – West
Absent: 2:-- Cauthen, Chan

16. **File No. 11082:** Determination of jurisdiction on complaint filed by Anonymous against Caroline Celaya of the San Francisco Municipal Transportation Agency for allegedly not responding in a timely manner to a public records request. (8:22 p.m. - 8:28 p.m.)

Chair Johnson said the Complainant could not attend the hearing but the respondent was in the room.

Chair Johnson, seconded by Member Knee, motioned to dismiss the case but giving Anonymous the chance to re-file the complaint.

Public Comment: None.

Joy Houlihan, Deputy Director of Parking Enforcement with the SFMTA, said the department did respond to the request but was late because of confusion among transiting personnel.

The motion carried by the following vote:

Ayes: 6 – Snyder, Knee, Manneh, Washburn, Wolfe, Johnson

Excused: 1 – West

Absent: 3:-- Cauthen, Costa, Chan

17. **File No. 11082:** Hearing on complaint filed by Anonymous against Caroline Celaya of the San Francisco Municipal Transportation Agency for allegedly not responding in a timely manner to a public records request.

Please see Item 16.

18. **File No. 11088:** Determination of jurisdiction on complaint filed by Ray Hartz against the Ethics Commission for allegedly failing to include his 150-word summary in the body of its meeting minutes. (10:56 p.m. -11:09 p.m.)

Complainant Ray Hartz argued for jurisdiction. Member Knee, seconded by Member Costa, motioned to find jurisdiction. The Respondent was not present. No one in the audience presented facts and evidence in support of the Respondent.

Vice-Chair Wolfe, seconded by Member Knee, motioned to find jurisdiction and to send a response letter to the Ethics Commission Member citing Section 67.30(c) with Chair Johnson's signature.

Public Comment: None.

The motion carried by the following vote:

Ayes: 6 – Knee, Manneh, Washburn, Costa, Wolfe, Johnson

Excused: 1 – West

Absent: 3:-- Snyder, Cauthen, Chan

19. **File No. 11088:** Hearing on complaint filed by Ray Hartz against the Ethics Commission for allegedly failing to include his 150-word summary in the body of its meeting minutes.

Continued to the February 28, 2012, meeting.

20. **File No. 11089:** Determination of jurisdiction on complaint filed by Bobb Birkhead against the City Attorney's Office for allegedly withholding documents.

Continued to the February 28, 2012, meeting.

21. **File No. 11089:** Hearing on complaint filed by Bobb Birkhead against the City Attorney's Office for allegedly withholding documents.

Continued to the February 28, 2012, meeting.

22. **File No. 11090:** Determination of jurisdiction on complaint filed by Patrick Monette-Shaw against the Controller's Office for not providing data in a requested format.

Continued to the February 28, 2012, meeting.

23. **File No. 11090:** Hearing on complaint filed by Patrick Monette-Shaw against the Controller's Office for not providing data in a requested format.

Continued to the February 28, 2012, meeting.

24. **File No. 11091:** Determination of jurisdiction on complaint filed by Nick Pasquariello against the Office of Supervisor David Chiu for allegedly not responding to an Immediate Disclosure Request.

Continued to the February 28, 2012, meeting.

File No. 11091: Hearing on complaint filed by Nick Pasquariello against the Office of Supervisor David Chiu for allegedly not responding to an Immediate Disclosure Request.

Continued to the February 28, 2012, meeting.

25. Report: Compliance and Amendments Committee meeting of January 10, 2012.

Not heard.

26. Report: Education, Outreach, and Training Committee meeting of January 12, 2012.

Not heard.

27. Administrator's Report.

Not heard.

28. **Public Comment:** (5:08 p.m. - 5:20 p.m.)

William Clark, Nick Pasquariello, Ray Hartz, Peter Warfield, Doug Comstock and Tomas Picarello expressed their views.

29. **Announcements, Comments, Questions, and Future Agenda Items.**

30. None.

31. **ADJOURNMENT**

With the hour being past City Hall closing time, the Task Force adjourned at 11:09 p.m.

