

File No. N/A

SOTF Item No. 2
CAC Item No. _____

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force

Date: April 4, 2012

Compliance and Amendments Committee

Date: _____

CAC/SOTF

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Completed by: Andrea Ausberry Date: March 27, 2012

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*An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.



**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**

February 28, 2012 – 4:00 PM

Special Meeting

Members: Chair Hope Johnson, 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. (1:05 - 6:47)

The meeting was called to order at 4:11 p.m. Vice Chair Wolfe, Members Cauthen, Manneh, and Washburn were noted absent. There was a quorum. Member Manneh was noted present at 4:47 p.m. Member Chan left at 7:30 pm

Member Snyder, seconded by Member Knee, moved to EXCUSE Vice Chair Wolfe and Member Washburn.

There were no speakers. **The motion PASSED without objection.**

Chair Johnson announced Deputy City Attorney Michael Karns as the interim Sunshine Ordinance Task Force attorney until the arrival of Deputy City Attorney Jerry Threet; and that Complainant Nick Pasquariello, File No. 11091, Nick Pasquariello v. the Office of David Chiu, would be absent.

2. Approval of Minutes from the October 25, 2011 Regular Meeting. (6:48 - 11:40)

Member Knee, seconded by Member Snyder, moved to accept the October 25, 2011, Minutes.

There were no speakers.

The motion PASSED by the following vote.

Ayes: 6 - Snyder, Knee, Costa, Chan, West, Johnson
Excused: 2 - Washburn, Wolfe
Absent: 1 - Cauthen

3. **Approval of Minutes from the November 29, 2011 Special Meeting. (11:41 - 14:18)**

Member Knee, seconded by Member Costa, moved to CONTINUE to March 7, 2012.

There were no speakers. **The motion PASSED without objection.**

4. **Approval of Minutes from the December 14, 2011 Special Meeting. (14:19 - 25:33)**

Member Knee, seconded none, moved to accept the December 14, 2011, Minutes.

Speaker: Peter Warfield, expressed clarification to the minutes to reflect specific violations in accordance with Sunshine Ordinance and that his Compliant did not receive draft minutes from the Art's Commission as promptly as required by law. There were no other speakers.

The motion PASSED by the following vote.

Ayes: 6 - Snyder, Knee, Costa, Chan, West, Johnson

Excused: 2 - Washburn, Wolfe

Absent: 1 - Cauthen

5. **Approval of Minutes from the January 3, 2012 Special Meeting. (25:34 - 46:30)**

Member Knee, seconded none, moved to accept the January 3, 2012, Minutes.

Chair Johnson indicated that the minutes are generic and requested to have at least one line of detail for each speaker.

Member Knee, seconded by Member Jackson, moved substitute motion to continue to March 7, 2012.

Speakers: Allen Grossman, expressed concern regarding the quality of minutes; Ray Hartz, expressed the importance of having action minutes versus summary minutes; Thom Picarello, expressed concern regarding the minutes not being specific or timely; Peter Warfield, spoke in support of the substitute motion to continue. There were no other speakers.

The motion PASSED without objection.

6. **Approval of Minutes from the January 24, 2012 Regular Meeting. (46:31 - 55:20)**

Member Knee, seconded none, moved to CONTINUE to the March 7, 2012.

Speakers: Peter Warfield indicated that the minutes do not meet the requirements of the Sunshine Ordinance; Ray Hartz, recited a Mark Twain quote; Thom Picarello, spoke in support of having specific detail of speaker comments. There were no other speakers.

The motion PASSED without objection.

7. Discussion of Survey of Costs of Compliance with City Sunshine Ordinance. (1:19:38 - 1:55:53)

Member Knee provided an overview of the survey of costs of compliance with the City Sunshine Ordinance. Chair Johnson commented on the matter. Member Snyder commented on the cost analysis by the Budget and Legislative Analyst's Office on the Sunshine Ordinance Task Force.

Speakers: Patrick Upshaw, spoke expressing opposition to the survey of costs of compliance. Thom Picarello, advised the Task Force to respond with comments to the Budget and Legislative Analyst's Office regarding the survey. Peter Warfield, spoke expressing concerns regarding the survey of costs of compliance and reluctance of Budget and Legislative Analyst's Office to release survey information. Ray Hartz, spoke expressing concern relating to nondisclosure of the survey of costs of compliance. There were no other speakers.

Member Costa, Seconded by Member Knee, moved to Continue to the March 7, 2012 meeting.

The motion PASSED without objection.

RECESS

The Task Force reconvened at 6:31 p.m.

8. **File No. 11056:** The Compliance and Amendments Committee has referred Case No.11056, Allen Grossman v Dennis Herrera and Jack Song of the City Attorney's, Office back to the Task Force with a recommendation that it be referred to the Ethics Commission with a request for enforcement of the Order of Determination, and to find Mr. Song in violation of Section 67.21(e) for being absent during the latter part of the committee's hearing on the item. (2:16:53 -2:42:31)

Member Chan stated he knew Jack Song.

Allen Grossman (Complainant) provided an overview of the complaint and further requested the Task Force to find violation and not refer the case to the Ethics Commission. There were no speakers in support of the Complainant. Jack Song (Respondent), City Attorney's Office, requested to present a presentation during his time allotted for rebuttal. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal and further requested the Task Force to dismiss the complaint. Complainant provided a rebuttal.

Speakers: Thom Picarello, spoke expressing concern of the violation going before the Ethics Commission. Ray Hartz, spoke expressing concern regarding the item going before the Ethics Commission. Peter Warfield, spoke expressing concerns regarding Mr. Song and the City Attorney's Office. There were no other speakers.

Member Costa, seconded by Member Mannah, moved to find violation of Sunshine Ordinance Section 67.21(e) based on Mr. Song walking out of the hearing; referral to the Ethics Commission.

The motion PASSED by the following vote:

Ayes: 6 - Snyder, Knee, Costa, Chan, West, Johnson

Excused: 2 - Washburn, Wolfe

Absent: 1 - Cauthen

9. 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. (2:44:24 -)

William Clark (Complainant), provided an overview of the complaint, and spoke expressing concerns of not receiving un-redacted audio cassette. There were no speakers in support of the complaint. Julio Mantos (Respondent), Arts Commission, provided an overview of the Commission's defense, responded to questions raised throughout the discussion, and further requested the Task Force to dismiss the complaint. There were no speakers in support of the Respondent. A question and answer period followed. Respondent declined his time allotted to a rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Knee suggested sending the item to the Compliance and Amendments Committee.

Chair Johnson, seconded by Member Knee, and moved to find violation of Sunshine Ordinance Sections 67.14(b), 67.16, 67.21(e), 67.34 based on the failure to provide an audio recording that was not erased or destroyed, not including missing dialogue in the minutes, not sending a knowledgeable representative to the hearing, willful failure. The Respondent is to work with the Complainant to have the minutes reflect missing portion and mark tape to refer to the minutes; referral to Compliance and Amendments Committee.

Speaker: Ray Hartz, spoke expressing concern regarding the Arts Commission's audio equipment being in compliance with Sunshine Ordinance. There were no other speakers.

The motion PASSED by the following vote:

Ayes: 6 - Snyder, Knee, Costa, West, Johnson

Excused: 2 - Washburn, Wolfe

Absent: 1 - Cauthen, Chan

ORDERED DETERMINED and REFERRED TO COMPLIANCE AND AMENDMENTS.

10. **File No. 11050:** Determination of jurisdiction on complaint filed by, Barbara Thompson against the Board of Appeals for allegedly interrupting her during public comment. (3:29:00 - 3:29:37)

Member Knee, seconded by Member Costa, moved to find jurisdiction.

There were no speakers. **The motion PASSED without objection.**

11. **File No. 11050:** Hearing on complaint filed by Barbara Thompson against the Board of Appeals for allegedly interrupting her during public comment. (3:29:38 - 4:17:14)

Barbara Thompson (Complainant), provided an overview of the complaint, responded to questions raised throughout the discussion, and further requested the Task Force to find violation. There were no speakers in support of the complainant. Cynthia Goldstein (Respondent), Board of Appeals, provided an overview of the Board's defense, responded to questions raised throughout the discussion, and further requested the Task Force to dismiss the complaint. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal and further requested the Task Force to dismiss the complaint. Complainant provided a rebuttal and further requested the Task Force to find violation.

Due to a lack of a motion, the Task Force FOUND NO VIOLATION.

Speaker: Ray Hartz, expressed concern on having to be sworn in to speak at the Board of Appeals. There were no other speakers

RECESS

The Task Force reconvened at 8:50 p.m.

12. **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. (4:46:58 - 5:26:15)

Ray Hartz (Complainant) provided an overview of the complaint, responded to questions raised throughout the discussion, and further requested the Task Force to find violation. There were no speakers in support of the Complainant. Ethics Commission (Respondent), was not present to provide an overview of the Commission's defense, or respond to questions. There were no speakers in support of the Respondent. Complainant provided a rebuttal and further requested the Task Force to find violation.

Chair Johnson, seconded by Member Costa, moved to find violation of Sunshine Ordinance Sections 67.30, 67.30(c), 67.16 and 67.21(e) based on Task Force's jurisdiction, prior rulings to include a 150 word statement as submitted for the minutes, and the Task Force interpretation of phrase "in the minutes", for the

Respondent's failure to appear before the Task Force; referral to Compliance and Amendments Committee.

Speaker: David Pilpel, spoke expressing support of the finding. There were no other speakers.

The motion PASSED by the following vote:

Ayes: 6 - Snyder, Knee, Costa, West, Johnson

Excused: 2 - Washburn, Wolfe

Absent: 1 - Cauthen, Chan

ORDERED DETERMINED and REFERRED TO COMPLIANCE AND AMENDMENTS.

13. **File No. 11089:** Determination of jurisdiction on complaint filed by Bobb Birkhead against the City Attorney's Office for allegedly withholding documents (5:27:44 - 5:29:47)

Member Knee, seconded by Member Costa, moved to CONTINUE to April 4, 2012.

There were no speakers. **The motion PASSED without objection.**

14. **File No. 11089:** Hearing on complaint filed by Bobb Birkhead against the City Attorney's Office for allegedly withholding documents. (5:27:44 - 5:29:47)

Member Knee, seconded by Member Costa, moved to CONTINUE to April 4, 2012.

There were no speakers. **The motion PASSED without objection.**

15. **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. (1:17:18 - 1:19:05)

Member Knee, seconded by Member West, moved to CONTINUE to March 7, 2012.

There were no speakers. **The motion PASSED without objection.**

16. **File No. 11090:** Hearing on complaint filed by Patrick Monette-Shaw against the Controller's Office for not providing data in a requested format. (1:19:06 - 1:22:10)

Member Knee, seconded by Member West, moved to CONTINUE to March 7, 2012.

There were no speakers. **The motion PASSED without objection.**

17. **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.

Member West, seconded by Member Chan, moved to CONTINUE to the Call of the Chair

There were no speakers. **The motion PASSED without objection.**

18. **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. (5:30:28 - 5:32:49)

Member West, seconded by Member Chan, moved to CONTINUE to the Call of the Chair

There were no speakers. **The motion PASSED without objection.**

19. **File No. 11093:** Determination of jurisdiction on complaint filed by John Darmanin against Fire Marshal Thomas Harvey for allegedly not releasing several internal documents. (5:30:28 - 5:34:00)

Member Knee, seconded by Member Manneh, moved to Dismiss the case due to the Complainant's absence.

There were no speakers. **The motion PASSED without objection.**

20. **File No. 11093:** Hearing on complaint filed by John Darmanin against Fire Marshal Thomas Harvey for allegedly not releasing several internal documents. (5:30:28 - 5:32:49)

Member Knee, seconded by Member Manneh, moved to Dismiss the case due to the Complainant's absence.

There were no speakers. **The motion PASSED without objection.**

21. **File No. 11094:** Determination of jurisdiction on complaint filed by Charles Pitts against the non-profit Community Housing Partnership for allegedly not providing requested information. (4:22:54 -4:46:16)

Charles Pitts (Complainant) provided an overview of the complaint and further requested the Task Force to find violation. There were no speakers in support of the Complainant. Jeffery Kohler (Respondent), Community Housing Partnership, provided an overview of the Agency's defense and further requested the Task Force to dismiss the complaint. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal and further requested the Task Force to dismiss the complaint. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Knee, seconded by Member Snyder,

Speaker: David Pilpel stated opposition to the motion.

The motion PASSED without objection.

22. **File No. 11094:** Hearing on complaint filed by Charles Pitts against the non-profit Community Housing Partnership for allegedly not providing requested information. (4:22:54 -4:46:16)

Member Knee, seconded by Member Snyder, moved to find no jurisdiction.

There were no speakers. **The motion PASSED without objection.**

23. **Public Comment:** (55.22. - 1:17:17)

Speakers: Peter Warfield, expressed concerns regarding Ethics and Library Commissions. Patrick Upshaw, expressed interested in being added to the Sunshine Ordinance Task Force subscribers list. William Clark, spoke expressing concern relating to Street Artist program. Allen Grossman, spoke expressing concern relating to the Administrator's role and duties. Peter Warfield, spoke expressing concern regarding the lack of detail with the history of complaints in the complaint log. Ray Hartz, spoke expressing the improvements made due to the Task Force. Thom Picarello, spoke expressing concerns of not having the Ex-officio Member present and the inconvenience of having hearings called late into the evening due to the number of items on the agenda. There were no other speakers.

24. **Report: Education, Outreach and Training Committee meeting of February 9, 2012.** (5:33:12 - 5:35:01)

Member Costa made the report.

There were no speakers.

25. **Report: Compliance and Amendments meeting of February 14, 2012.** (5:35:02 - 5:39:02)

Chair Johnson and Member Knee made the report.

Speaker: David Pilpel expressed concern regarding the date of joint Ethics Commission meeting.

26. **Report: Technology Committee meeting of February 10, 2012.** (5:40:07 - 5:44:02)

Members West, Costa and Snyder made the report.

Speaker: David Pilpel expressed concern regarding the objective of the committee.

27. **Administrator's Report.** (5:44:03 - 5:46:12)

The Administrator made the report.

Speaker: David Pilpel expressed concern regarding the transition and complaint backlog.

28. **Announcements, Comments, Questions, and Future Agenda Items.** (5:46:13 - 5:55:12)

Member Knee made an announcement that the Society of Professional Journalists, Northern California Chapter, will hold its annual James Madison Awards Dinner on March 15, 2012. Chair Johnson announced that the non-profit meeting announcements binder in the library is in need of assistance with posting and asked if a committee member would assist. Chair Johnson also suggested designing a Good Guide from the Sunshine Ordinance Task Force's perspective.

Speaker: David Pilpel, spoke expressing the benefit of having a pending list for items to be heard.

29. **ADJOURNMENT**

Member Knee, seconded by Member West, moved to ADJOURN.

There were no speakers. **The motion PASSED without objection.**

There being no further business, the Task Force adjourned at the hour of 10:18 p.m.