

File No. N/A

SOTF Item No. \_\_\_\_\_  
CAC Item No. 4

**SUNSHINE ORDINANCE TASK FORCE**  
AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force

Date: \_\_\_\_\_

Compliance and Amendments Committee

Date: April 17, 2012

**CAC/SOTF**

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Completed by: Andrea Ausberry Date April 11, 2012

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

\*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**  
**Compliance and Amendments Committee**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**DRAFT MINUTES**

Hearing Room 406  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**March 29, 2012 – 4:30 PM**

**Special Meeting**

**Members:** Allyson Washburn (Chair),  
David Snyder, Richard Knee, Bruce Wolfe, Hope Johnson

**1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES (00:00 - 2:18)**

The meeting was called to order at 4:37p.m. Members Snyder and Wolfe were noted absent. There was a quorum.

**Member Knee, seconded by Member Johnson, moved to EXCUSE Member Wolfe.**

Speakers: Jason Grant Garza spoke expressing opposition to the motion to excuse Member Wolfe. Thomas Picarello spoke expressing holding members accountable to the Sunshine Ordinance Task Force's By-laws absentee policy.

**The motion PASSED by the following vote.**

Ayes: 3 - Knee, Johnson, Washburn

Excused: 1 - Wolfe

Absent: 1- Snyder

**2. Next steps on Ethics Commission's proposed policy for handling Sunshine-related complaints. (2:19 - 1:35:10)**

Chair Washburn introduced Allen Grossman to present an overview of the Ethics Commission's Enforcement Jurisdiction as proposed in its staff's draft "Regulations for Complaints Alleging Willful Violations of the Sunshine Ordinance." The rationale for the staff's interpretation that the Ethics Commission only has jurisdiction under 67.34 in its closed reading of Sections 67.21 (d) and (e), in Article III, potential violations of provisions in Articles II and III, and Sections 67.30 (c), 67.35 Enforcement Provisions and 67.34 of Article IV Policy Implementation were discussed. A question and answer period followed.

Chair Washburn opened discussion on joint meeting agenda items. The following items were discussed as potential agenda items: 1) Discussion of present Ethics Commission's Regulations with respect to violations of public access laws. 2) Discussion of the Ethics Commission staff's reversal of the Commission's June 2010, public meeting policy decisions regarding the

Commission's Sunshine Regulations in the new proposed regulations. 3) Discussion of the issues raised in the Sunshine Ordinance Task Force's (SOTF) April 3, 2012, Memorandum to the Commissioners on the Ethics Commission's proposed enforcement jurisdiction over violations of the California and San Francisco public access laws.

The Compliance and Amendments Committee will forward to the Ethics Commission the following documents: 1) June 14, 2010, Ethics Commission Regular Meeting Minutes 2) Memo to Ethics Commission regarding The Ethics Commission's "Enforcement" Jurisdiction. 3) Proposed agenda items for joint meeting.

Speakers: Thomas Picarello spoke expressing concern regarding a non-member sitting in and presenting at the joint meeting and suggested the full Task Force weigh in on the item. Jason Grant Garza spoke expressing concern that the Ethics Commission will not solve the concerns and questions of the Compliance and Amendments Committee.

3. **Public Comment:** (1:35:11 - 1:48:19)

Speakers: Jason Grant Garza spoke expressing concern with his open complaints and order in which complaints are scheduled. Allen Grossman spoke expressing concern regarding three of the five members regularly attending the Committee's meeting and suggested appointing Members in place of absent Members.

4. **Announcements, Comments, Questions, and Future Agenda Items** (1:48:20 - 1:48:23)

There was none.

5. **ADJOURNMENT**

**Member Knee, seconded by Member Johnson, moved to ADJOURN.**

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

There being no further business, the Compliance and Amendments Committee adjourned at the hour of 6:22 p.m.

### Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these document, please contact SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at:  
<http://www.sfbos.org/index.aspx?page=9811>

For information concerning Sunshine Ordinance Task Force please contact by e-mail [sotf@sfgov.org](mailto:sotf@sfgov.org) or by calling (415) 554-7724.

### Public Comment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the subject of the meeting or hearing;. These comments will be made a part of the official public record.

### Hearing Procedures

- |    |                                                                                                              |                      |
|----|--------------------------------------------------------------------------------------------------------------|----------------------|
| 1. | Complainant presents his/her facts and evidence                                                              | 5 minutes            |
|    | Other parties of Complainant present facts and evidence                                                      | Up to 3 minutes each |
| 2. | City responds                                                                                                | 5 minutes            |
|    | Other parties of City respond                                                                                | Up to 3 minutes each |
|    | <i>Above total speaking times for Complainant and City to be the same.</i>                                   |                      |
| 3. | Matter is with the Task Force for discussion and questions.                                                  |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal                                                   | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.                                                   |                      |
| 6. | Public comment (Excluding Complainant & City response, witnesses)                                            | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton b. Goodlett Place, Room 244, San Francisco, CA 94102; phone at (415) 554-7724; fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 37 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>.

### **Cell Phones, Pagers and Similar Sound-Producing Electronic Devices**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics).

