

File No. N/A

SOTF Item No. _____
CAC Item No. 3

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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March 20, 2012, Regular Meeting Minutes

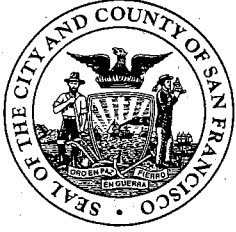
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Completed by: Andrea Ausberry Date April 11, 2012

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 20, 2012 – 4:30 PM

Rescheduled Meeting

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

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES (00:11 - 8:46)

The meeting was called to order at 4:36 p.m. Members Snyder and Wolfe were noted absent.

Member Knee, seconded by Member Johnson, moved to EXCUSE Members Snyder and Wolfe.

Speakers: Jason Garza spoke expressing opposition to the motion to excuse Member Snyder. Allen Grossman spoke expressing opposition to the motion to excuse Member Snyder.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Johnson, Washburn

Excused: 2 – Snyder, Wolfe

Absent: 0

David Pilpel requested to defer item number three.

Speakers: Thomas Picarello, spoke expressing opposition to deferring item number three. Ray Hartz, spoke expressing opposition to deferring item number three. Jason Garza, spoke expressing opposition to deferring item number three.

The motion PASSED without objection.

2. **Adoption of February 21, 2012, special meeting minutes (8:47 - 17:00)**

Member Knee, seconded by Member Johnson, moved to CONTINUE the February 21, 2012 Minutes.

Speakers: Jason Garza, spoke expressing concern regarding amendment of minutes referencing him. Thomas Picarello, spoke advising the committee to make amendments to the minutes prior to the committee convening. Allen Grossman, spoke advising the Administrator to use other commissions' and boards' minutes as a guide.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Johnson, Washburn

Excused: 2 – Snyder, Wolfe

Absent: 0

3. **Discussion on changing the time the Compliance and Amendments Committee meets from 4:00 p.m. to 5:30 p.m. (1:23 - 1:36)**

The Administrator confirmed that the Committee has Hearing Room 408 reserved for the year 2012, from 4:00 p.m. to 8:00 p.m.

Speakers: Thomas Picarello, spoke expressing opposition with the Committee meeting at 4:00 p.m. Ray Hartz, spoke expressing opposition with the Committee meeting at 4:00 p.m. Allen Grossman, spoke expressing concern with the Committee convening at 5:00 p.m., due to the length of time the Committee takes to hear items. David Pilpel, spoke favor of the Committee convening at 4:00 p.m.

4. **File No. 11083: Hearing on complaint filed by Ray Hartz, Jr. against the Public Library for allegedly violating Ordinance Sections 67.21(c), (d) and (e). (17:01 - 1:05)**

Ray Hartz (Complainant) provided an update of the complaint and responded to questions raised throughout the discussion. There were no speakers in support of the Complainant. Sue Blackman (Respondent) provided an update and responded to questions raised throughout the discussion. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal.

Member Knee, seconded by Member Johnson, moved to refer the matter back to the full Task Force with a recommendation that it be forwarded to the Ethics Commission.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Johnson, Washburn

Excused: 2 – Snyder, Wolfe

Absent: 0

Speakers: Thomas Picarello, spoke expressing concern about the finality of the Order of Determination. Jason Garza, spoke expressing concern about deferring of hearings. Allen Grossman, spoke expressing concern about the requested respondent not being present. David Pilpel, spoke advising that the library treat the case as a 67.21 (c).

The motion PASSED by the following vote.

Ayes: 3 – Knee, Johnson, Washburn

Excused: 2 – Snyder, Wolfe

Absent: 0

5. **File No. 11087:** Hearing on complaint filed by Lars Nyman against Frank Lee, Department of Public Works for allegedly violating the public information and public records provision on the Sunshine Ordinance. (1:36 - 2:24)

Lars Nyman (Complainant) provided an update of the complaint and responded to questions raised throughout the discussion. There were no speakers in support of the Complainant. Frank Lee (Respondent) provided an update and responded to questions raised throughout the discussion. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal.

Member Knee, seconded by Member Johnson, moved to refer the matter back to the full Task Force on the basis that the Order of Determination was not met and with a recommendation for referral to the District Attorney or the Board of Supervisors.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Johnson, Washburn

Excused: 2 – Snyder, Wolfe

Absent: 0

Speakers: David Pilpel, spoke in favor of the Respondent attempting to meet requirements. Thomas Picarello, spoke expressing support for the motion made by the Committee. Allen Grossman, spoke expressing support for the motion. Ray Hartz, spoke expressing concern about whether the Department of Public Works issue was one of procedure or process.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Johnson, Washburn

Excused: 2 – Snyder, Wolfe

Absent: 0

6. **Next steps on Ethics Commission's proposed policy for handling Sunshine-related complaints (2:24- 2:37)**

April 13, 2012, has been confirmed for the joint meeting with the Ethics Commission.

Speakers: Thomas Picarello, spoke expressing concern about the composition of the joint meeting. Allen Grossman, gave an update on memo to Ethics Commission. Ray Hartz, spoke expressing concern with lack of good faith of the Ethics Commission.

7. **Continued discussion on the proposed amendments to the Sunshine Ordinance.** (2:37 - 2:46)

Member Knee presented on the timeline for submitting the proposed amendments for the November ballot and acquiring a meeting with Supervisor Campos to determine political climate.

Member Johnson, seconded by Member Knee, moved to CONTINUE to April 17, 2012.

Speakers: Ray Hartz, spoke expressing concern about the Ethics Commission not including summaries in the minutes. Thomas Picarello, spoke expressing concern that the amendments should include enforcement powers by the Sunshine Ordinance Task Force.

The motion PASSED by the following vote.

Ayes: 3 – Knee, Johnson, Washburn

Excused: 2 – Snyder, Wolfe

Absent: 0

8. **Public Comment** Members of the public may address the Compliance and Amendments Committee on matters that are within Sunshine Ordinance Task Force's jurisdiction but not on today's agenda. (1:08 - 1:23)

Speakers: Jason Garza, spoke expressing concern with his open complaints and order claims are heard. Ray Hartz, spoke expressing concern regarding a Library Commission recording in which a Commissioner allegedly threatens Mr. Hartz. Thomas Picarello, spoke expressing setting a time public comment will be heard. David Pilpel, spoke suggesting that the by-laws are made available in the binder.

Chair Washburn motioned to have language added to the Public Comment section to read that public comment will be heard at 5:00 pm. Member Knee, suggested the language state that public comment will be heard an hour after the meeting convenes.

9. **Administrator's Report** (2:46 - 2:20)

The Administrator presented the report.

Speaker: Thomas Picarello, spoke suggesting the report include more than data, but also recommendations on incoming complaint cases.

10. **Announcements, Comments, Questions, and Future Agenda Items** (2:50 - 2:54)

Member Knee, announced support of Assembly Bill 1648 which is before the California Legislature. Chair Washburn and Member Johnson met with the Mayor of Alameda regarding the initiation of Alameda's Sunshine Ordinance.

11. **ADJOURNMENT**

Member Knee, seconded by 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 7:38 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 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.

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and

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.

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.