

File No. _____

SOTF Item No. 19

CAC Item No. _____

SUNSHINE ORDINANCE TASK FORCE AGENDA PACKET CONTENTS LIST

Sunshine Ordinance Task Force

Date: May 2, 2012

Compliance and Amendments Committee

Date: _____

CAC/SOTF

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Completed by: Andrea Ausberry Date April 25, 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 3, 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. (5:00 p.m. - 5:01 p.m)

The meeting was called to order at 5:00 p.m. Vice Chair Wolfe, Members Snyder, Cauthen, Wolfe, and Chan were noted absent. There was a quorum. Vice Chair Wolfe was noted present at 5:07 p.m.

Member Washburn, seconded by Member Knee, moved to EXCUSE Members Snyder and Cauthen.

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

Chair Johnson announced that File No. 11086_Che Hashim v. Jarvis Murray of the San Francisco Municipal Transportation Agency (Item Nos. 19 and 20) were withdrawn by the Complainant. Chair Johnson indicated a request that File No. 11091_Nick Pasquariello v. Office of Supervisor David Chiu (Item Nos. 27 and 28) be continued by the Respondent.

2. Approval of Minutes from the Regular Meeting of October 25, 2011. (5:04 p.m. - 5:06 p.m.)

Member Knee, seconded by Member Costa, moved to CONTINUE to January 24, 2011.

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

3. Approval of Minutes from the Special Meeting of November 29, 2011. (5:04 p.m. - 5:06 p.m.)

Member Knee, seconded by Member Costa, moved to CONTINUE to January 24, 2011.

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

4. **Approval of Minutes from the Special Meeting of December 14, 2011.** (5:04 p.m. - 5:06 p.m.)

Member Knee, seconded by Member Costa, moved to CONTINUE to January 24, 2011.

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

5. **Approval of the Task Force Annual Report to Board of Supervisors.** (5:07 p.m. - 5:35 p.m.)

Members reviewed the report and commented on the matter. A question and answer period followed. Members proposed additional amendments as follows:

Chair Johnson, on Page 10 by adding a fourth paragraph under Enforcement of the Sunshine Ordinance as follows: 'In addition, enforcement of the Sunshine Ordinance may uncover other improper actions within a department. The Task Force wrote letters to the Board of Supervisors on June 17, 2011, and July 6, 2011, documenting its increasing concern regarding repeated violations of the Sunshine Ordinance by the Arts Commission since 2010 and lack of enforcement of the Ordinance. Many of the Sunshine complaints were related to the Street Artists concern over financial expenditures. By mid-July the Head of the Arts Commission was replaced amid allegations of improper financial expenditures and failure to properly track spending. The allegations were then confirmed by the City's Controller Audit Commission in November.'

Member Washburn, on Page 10 by replacing 'LONG TERM ISSUES' with 'ISSUES OF CONCERN'; on Page 10 by adding an additional sentence to the fourth paragraph under Enforcement of the Sunshine Ordinance as follows: 'The Sunshine Ordinance Task Force also found that no public input had been possible prior to the noise ordinance.'

Chair Johnson, on Page 12 by replacing '350' with '280'.

Member Knee, on Page 14 by deleting the first reference to 'normally' in the third paragraph; on Page 19 by replacing the first sentence of the second paragraph with 'The EOTC has three voting seats, two of which are filled; the holders are Jay Costa (Chair) and Suzanne Manneh.'; on Page 19 by deleting 'h' in 'Thomas'; on Page 19 by spelling out 'Municipal Transportation Agency (MTA)' and 'Single Room Occupancy (SRO)'; and throughout the Committee pages to standard the listed complaints format.

Ray Hartz, expressed various concerns relating to people's rights, violations by Boards and Commissions, and resources provided by the Offices of the Clerk of the Board and City Attorney. Jason Grant Garza, expressed various concerns relating to Sunshine Ordinance Task Force violations of the Ordinance and failure to follow process. David

Pilpel, expressed various concerns relating to the reporting period, Administrator's Reports, and lack of an overall date.

Member Knee, seconded by Vice Chair Wolfe, moved to AMEND the Task Force Annual Report through December 2011, as detailed above.

There were no speakers.

The motion PASSED by the following vote:

Ayes: 7 – Knee, Manneh, Washburn, Costa, Wolfe, West, Johnson

Excused: 2 – Snyder, Cauthen

Absent: 1 – Chan

Vice Chair Wolfe, seconded by Member Knee, motioned to CONTINUE AS AMENDED to January 24, 2011.

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

6. **Discussion of Task Force Press Releases. (5:35 p.m. - 6:02 p.m.)**

Member Costa provided an overview of the Education, Outreach and Training Committee's discussion and intention. Members commented on the matter.

Member Washburn, seconded by Member Knee, moved that the Education, Outreach, and Training Committee, begin work on the concept of Press Releases.

Jason Grant Garza, spoke expressing various concerns relating to the process and in support of press releases. Ray Hartz (San Francisco Open Government), spoke expressing various concerns and in support of press releases. Lin Danny, expressed various concerns relating to meeting accessibility. David Pilpel, expressed various concerns relating to seriatim meetings. Female Speaker, spoke expressing various concerns and in support of press releases.

There were no other speakers. The motion PASSED by the following vote:

Ayes: 7 – Knee, Manneh, Washburn, Costa, Wolfe, West, Johnson

Excused: 2 – Snyder, Cauthen

Absent: 1 – Chan

7. **Discussion of Changing Time and Day of Week the Sunshine Ordinance Task Force Regular Meetings. (6:02 p.m. - 6:06 p.m.)**

Chair Johnson provided an overview of the proposed change in schedule and indicated that additional resources needed to be review and therefore this matter would be **CONTINUED to January 24, 2012.** Ray Hartz (San Francisco Open Government), expressed concern relating to start time. Male Speaker, expressed concerns relating to rooms. There were no other speakers. Members commented on the matter. No further action was taken.

8. **File No. 11008:** Continued hearing on complaint filed by William Clark against the Arts Commission including the Compliance and Amendments Committee's recommendation to the Task Force. (6:20 p.m. - 6:43 p.m.)

Chair Johnson provided a recap of the prior proceedings. William Clark (Complainant) provided an overview of the complaint, findings, follow-up, and further requested the Task Force to find further violations. There were no speakers in support of the Complainant. There was no Respondent present. There were no speakers in support of the Respondent. A question and answer period followed. Complainant responded to questions raised throughout the discussion and further requested the Task Force to find further violations.

Vice Chair Wolfe, seconded by Member Knee, moved to RECONSIDER THE ORIGINAL ORDER OF DETERMINATION and CONTINUE to January 24, 2012.

There were no other speakers.

The motion PASSED by the following vote:

Ayes: 7 - Knee, Manneh, Washburn, Costa, Wolfe, West, Johnson

Absent: 1 - Chan

Excused: 2 - Snyder, Cauthen

RECESS

The Task Force reconvened at 6:44 p.m.

9. **File No. 11063:** Determination of jurisdiction on complaint filed by Anonymous against John Rahaim of the Planning Department 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 67.33 (Department Head Declaration) at a recent Board of Supervisors Land Use Committee meeting. (6:44 p.m. - 7:46 p.m.)

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

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

10. **File No. 11063:** Hearing on complaint filed by Anonymous against John Rahaim of the Planning Department for allegedly violating Ordinance 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), and 67.15 (Public Testimony), and 67.33 (Department Head Declaration) at a recent Board of Supervisors Land Use Committee meeting. (6:44 p.m. - 7:46 p.m.)

Anonymous (Complainant) provided an overview of the complaint, responded to questions raised throughout the discussion, and further requested the Task Force to find violation. Male Speaker; Female Speaker; spoke expressing various concerns and in support of the Complainant. Brian Smith (Respondent), Planning Department, provided

an overview of the Agency's defense, responded to question raised throughout the discussion, and further requested the Task Force to dismiss the complaint. 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.

David Pilpel; spoke expressing various concerns and in support of the finding. Ray Hartz; spoke expressing various concerns and in opposition to the finding. There were no other speakers. Task Force Members commented on the matter. No further action was taken.

11. **File No. 11078:** Determination of jurisdiction on complaint filed by Anonymous against John Rahaim of the Planning Department for allegedly violating certain sections of the Sunshine Ordinance. (7:46 p.m. - 7:48 p.m)

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

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

12. **File No. 11078:** Hearing on complaint filed by Anonymous against John Rahaim of the Planning Department for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (7:47 p.m. - 8:16 p.m.)

Anonymous (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. Brian Smith (Respondent), Planning Department, provided an overview of the Agency's defense, responded to question 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 did not provide a rebuttal. 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.

David Pilpel; spoke expressing various concerns and in support of the finding. Ray Hartz; spoke expressing various concerns and in opposition to the finding. There were no other speakers. Task Force Members commented on the matter. No further action was taken.

13. **File No. 11068:** Determination of jurisdiction on complaint filed by Anonymous against the Planning Department for allegedly violating various sections of the Sunshine Ordinance. (8:16 p.m. - 8:31 p.m.)

A question and answer period followed. Anonymous (Complainant) provided an overview of the jurisdiction and further requested the Task Force to find jurisdiction. There were no speakers in support of the Complainant. Brian Smith (Respondent),

Planning Department, provided an overview of their contest to jurisdiction. There were no speakers in support of the Respondent.

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

Ray Hartz (San Francisco Open Government), spoke expressing various concerns relating to jurisdiction. David Pilpel, spoke expressing various concerns and in support of finding jurisdiction. There were no other speakers.

The motion PASSED by the following vote:

Ayes: 7 - Knee, Manneh, Washburn, Costa, Wolfe, West, Johnson

Absent: 1 - Chan

Excused: 2 - Snyder, Cauthen

14. **File No. 11068:** Hearing on complaint filed by Anonymous against the Planning Department for allegedly violating various sections of the Sunshine Ordinance. (8:31 p.m. - 10:10 p.m.)

Anonymous (Complainant) provided an overview of the complaint and further requested the Task Force to find violation. Male Speaker, Female Speaker, spoke expressing various concerns and in support of the Complainant. Brian Smith (Respondent), Planning Department, 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 Costa, seconded by Member Manneh, moved to find violation of Sunshine Ordinance Sections 67.21(a),(b) and 67.25(d) based on the excessive timeliness of the Complainants receipt of said documents, and referral to Compliance and Amendments Committee.

Ray Hartz (San Francisco Open Government); spoke expressing various concerns and in support of the finding. David Pilpel; spoke expressing various concerns in opposition to the finding. There were no other speakers

The motion PASSED by the following vote:

Ayes: 7 - Knee, Manneh, Washburn, Costa, Wolfe, West, Johnson

Absent: 1 - Chan

Excused: 2 - Snyder, Cauthen

ORDERED DETERMINED and REFERRED TO COMPLIANCE AND AMENDMENTS.

15. **File No. 11075:** Determination of jurisdiction on complaint filed by Anonymous against Supervisor Scott Wiener for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (10:12 p.m. - 10:14 p.m.)

Member Knee, seconded by Vice Chair Wolfe, moved to CONTINUE to January 24, 2012.

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

16. **File No. 11075:** Hearing on complaint filed by Anonymous against Supervisor Scott Wiener for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (10:12 p.m. - 10:14 p.m.)

Member Knee, seconded by Vice Chair Wolfe, moved to CONTINUE to January 24, 2012.

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

17. **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. (10:12 p.m. - 10:14 p.m.)

Member Knee, seconded by Vice Chair Wolfe, moved to CONTINUE to January 24, 2012.

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

18. **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. (10:12 p.m. - 10:14 p.m.)

Member Knee, seconded by Vice Chair Wolfe, moved to CONTINUE to January 24, 2012.

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

19. **File No. 11086:** Determination of jurisdiction on complaint filed by Che Hashim against Jarvis Murray of the San Francisco Municipal Transportation Agency for allegedly failing to produce documents related to a video recording system. (5:04 p.m. - 5:05 p.m.)

Chair Johnson indicated that File No. 11086_Che Hashim v. Jarvis Murray of the San Francisco Municipal Transportation Agency (Item Nos. 19 and 20) were withdrawn by the Complainant. (See Item No. 1)

TABLED BY OPERATION OF LAW.

20. **File No. 11086:** Hearing on complaint filed by Che Hashim against Jarvis Murray of the San Francisco Municipal Transportation Agency for allegedly failing to produce documents related to a video recording system. (5:04 p.m. - 5:05 p.m.)

Chair Johnson indicated that File No. 11086_Che Hashim v. Jarvis Murray of the San Francisco Municipal Transportation Agency (Item Nos. 19 and 20) were withdrawn by the Complainant. *(See Item No. 1)*

TABLED BY OPERATION OF LAW.

21. **File No. 11087:** Determination of jurisdiction on complaint filed by Lars Nyman against the Department of Public Works for allegedly failing to produce requested documents. *(10:14 p.m. - 10:15 p.m.)*

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

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

22. **File No. 11087:** Hearing on complaint filed by Lars Nyman against the Department of Public Works for allegedly failing to produce requested documents. *(10:15 p.m. - 11:15 p.m.)*

Lars Nyman (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. Frank Lee (Respondent), Department of Public Works, 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.

Vice Chair Wolfe, seconded by Member West, moved to find violation of Sunshine Ordinance Sections 67.21(c),(e) based on not identify the existence, form, and nature of any records and failure to produce the documents; and referral to Compliance and Amendments Committee.

Ray Hartz (San Francisco Open Government); David Pilpel; spoke expressing various concerns and in support of the finding. There were no other speakers.

The motion PASSED by the following vote:

Ayes: 7 - Knee, Manneh, Washburn, Costa, Wolfe, West, Johnson

Absent: 1 - Chan

Excused: 2 - Snyder, Cauthen

ORDERED DETERMINED and REFERRED TO COMPLIANCE AND AMENDMENTS.

23. **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. *(11:15 p.m. - 11:16 p.m.)*

Member West, seconded by Member Manneh, moved to CONTINUE to January 24, 2012.

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

24. **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. (11:15 p.m. - 11:16 p.m.)

Member West, seconded by Member Manneh, moved to CONTINUE to January 24, 2012.

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

25. **File No. 11089:** Determination of jurisdiction on complaint filed by Bobb Birkhead against the City Attorney's Office for allegedly withholding documents. (11:15 p.m. - 11:16 p.m.)

Member West, seconded by Member Manneh, moved to CONTINUE to January 24, 2012.

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

26. **File No. 11089:** Hearing on complaint filed by Bobb Birkhead against the City Attorney's Office for allegedly withholding documents. (11:15 p.m. - 11:16 p.m.)

Member West, seconded by Member Manneh, moved to CONTINUE to January 24, 2012.

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

27. **File No. 11091:** Determination of jurisdiction on complaint filed by Nick Pasquariello against the Office of Supervisor David Chiu for not responding to an Immediate Disclosure Request. (5:03 p.m. - 5:04 p.m. & 6:19 p.m. - 6:20 p.m.)

Chair Johnson indicated a request that File No. 11091_Nick Pasquariello v. Office of Supervisor David Chiu (Item Nos. 27 and 28) be continued by the Respondent.

Member Washburn, seconded by Member West, made a motion to CONTINUE to January 24, 2012. The motion was withdrawn.

Member Manneh, seconded by Vice Chair Wolfe, moved to CONTINUE to January 24, 2012.

There were no speakers. **The motion PASSED by the following vote:**

Ayes: 7 – Knee, Manneh, Washburn, Costa, Wolfe, West, Johnson

Excused: 2 – Snyder, Cauthen

Absent: 1 – Chan

28. **File No. 11091:** Hearing on complaint filed by Nick Pasquariello against the Office of Supervisor David Chiu for not responding to an Immediate Disclosure Request. (5:03 p.m. - 5:04 p.m. & 6:19 p.m. - 6:20 p.m.)

Chair Johnson indicated a request that File No. 11091_Nick Pasquariello v. Office of Supervisor David Chiu (Item Nos. 27 and 28) be continued by the Respondent.

Member Washburn, seconded by Member West, made a motion to CONTINUE to January 24, 2012. The motion was withdrawn.

Member Manneh, seconded by Vice Chair Wolfe, moved to CONTINUE to January 24, 2012.

There were no speakers. **The motion PASSED by the following vote:**

Ayes: 7 – Knee, Manneh, Washburn, Costa, Wolfe, West, Johnson

Excused: 2 – Snyder, Cauthen

Absent: 1 – Chan

29. **Public Comment:** (6:05 p.m. - 6:19 p.m.)

Jason Grant Garza, spoke expressing various concerns relating to the Task Force. David Pilpel, spoke of the passing of Sanjiv Handa and further requested the Task Force to adjourn in his memory. Ray Hartz (San Francisco Open Government), spoke expressing various concerns relating to open government. Female Speaker, spoke expressing various concerns relating to appearance of Respondents. Male Speaker, spoke expressing various concerns relating to a complaint. There were no other speakers.

Chair Johnson and Jerry Threet (City Attorney's Office) responded to questions raised throughout the public comment period.

30. **Announcements, Comments, Questions, and Future Agenda Items.** (11:15 p.m. - 11:16 p.m.)

There were none.

31. **ADJOURNMENT**(11:16 p.m. - 11:17 p.m.)

Member Manneh, seconded by Member West, moved to ADJOURN in memory of Sunshine Advocate, Sanjiv Handa of Oakland.

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

There being no further business, the Task Force adjourned at the hour of 11:17 p.m.

