

File No. _____

SOTF Item No. 16
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

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | April 4, 2012, Regular Meeting Minutes |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | |

OTHER

- | | | |
|--------------------------|--------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Andrea Ausberry Date April 25, 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 CITY AND COUNTY OF SAN FRANCISCO

Draft Minutes

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

April 4, 2012 – 4:00 PM

Regular 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 (00.00.00 - 00.25:07)**

The meeting was called to order at 4:03 p.m. Members Snyder, Cauthen, Manneh, and Costa were noted absent. There was a quorum. Member Manneh was noted present at 4:08 p.m. Member Jay Costa was noted present at 4:16 p.m.

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

Speakers: Jason Grant Garza spoke expressing objection to the motion to excuse the Member.

The motion PASSED by the following vote:

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

Noes: 1 – Johnson

Excused: 1 – Snyder

Absent: 1 – Cauthen

Chair Johnson indicated a request that File No. 11083 – Ray Hartz, Jr. v the Public Library (Item 5) be continued by the Complainant. Chair Johnson announced that File Nos. 11095 and 11096 - Arnita Bowman v Department of Parks and Recreation (Items 10 and 11) were withdrawn by the Complainant. Chair Johnson indicated a request that File No. 11097 - Charles Pitts v the Police Department (Item 12) be continued by the Complainant. Chair Johnson announced the File No. 11098 - Ray Hartz, Jr. v Luis Herrera, City Librarian (Item 13) was tabled due to receipt of Respondent's response prior to March 7, 2012 meeting. Chair Johnson indicated a request that File No. 11099 – Jason Grant Garza v Department of Public Health (Item 14) be continued by the Respondent. Chair Johnson indicated a request that File No. 12005 – Anonymous v Municipal Transportation (Item 17) be continued by the Respondent. Chair Johnson indicated a request that File No. 12006 - Ray Hartz, Jr. v Angela Calvillo, Clerk of the Board (Item 18), was withdrawn by the Complainant.

2. **Approval of Minutes from the February 28, 2012, Regular Meeting.** (00:25:08 - 00:42:43)

Member Wolfe, seconded by Member Knee, moved to CONTINUE to May 2, 2012.

Speakers: Thomas Picarello spoke requesting additional copies of the agenda packets and minutes for the public. Peter Warfield spoke expressing support of the continuance of the item. Ray Hartz, Jr. spoke requesting more detailed minutes of speakers. Jason Grant Garza spoke requesting more detailed minutes of the speakers. David Pilpel spoke requesting that the minutes are heard at the end of the agenda.

The motion PASSED without objection.

3. **Approval of Minutes from the March 7, 2012, Regular Meeting.** (00:42:44 - 00:51:37)

Member Washburn, seconded by Member Knee, moved to CONTINUE to May 2, 2012.

Speakers: Jason Grant Garza spoke requesting more detailed minutes of the speakers. Peter Warfield spoke regarding the lack of detail in the minutes. Ray Hartz, Jr. spoke expressing concern of the Task Force not taking a stand on having detailed minutes.

The motion PASSED without objection.

4. Survey of Costs of Compliance with Sunshine Ordinance. (1.33.27 – 2.11.10)

Chair Johnson presented Responses of Survey of Costs of Compliance

Chair Johnson provided an overview of the responses regarding the survey of costs of compliance with the City Sunshine Ordinance. Vice Chair Wolfe commented on whether the survey attacked the SOTF or the Sunshine Ordinance and lack of staff provided for SOTF should be included. Member Washburn commented regarding the data collected and produced and volunteered to extract the most egregious data. Member Costa supported Member Washburn's comments.

Member Wolfe, seconded by Member Knee, moved to TABLE the item to be heard by 10:00 p.m. or before the Administrator's Report.

Speakers: Jason Grant Garza spoke in opposition to tabling the item. Thomas Picarello spoke in opposition to tabling the item. Peter Warfield spoke expressing opposition to tabling the item.

The motion PASSED without objection.

Member Washburn, seconded by Member Knee, moved to CONTINUE the item to May 2, 2012.

The motion PASSED without objection.

5. **File No. 11083:** The Compliance and Amendments Committee has referred File No. 11083, Ray Hartz, Jr. against the Public Library, back to the Task Force for further action including a recommendation to the Ethics Commission. (00.03.00 - 00.03.55)

Chair Johnson indicated a request that File No. 11083 be continued by the Complainant.

Member Knee, seconded by Vice Chair Wolfe, moved to CONTINUE TO THE CALL OF THE CHAIR.

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

Recess 6:32 – 6:40

6. **File No. 11087:** The Compliance and Amendments Committee has referred File No. 11087, Lars Nyman against Frank Lee, Department of Public Works, back to the Task Force for further action including a recommendation to the District Attorney or Board of Supervisors. (2.11.10 - 3.10.32)

Chair Johnson provided a recap of the prior proceedings. Lars Nyman (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.

Member Washburn, seconded by Member Knee, moved to REFER TO BOARD OF SUPERVISORS , COPY THE MAYOR and the CONTROLLER'S OFFICE and referral to the Ethics Commission and find Mr. Lee in violation of 67.21(e) based on his failure to appear before the Task Force.

Speakers: Jason Grant Garza spoke expressed concern that Ethics will not act on referral. Allen Grossman said that the Custodian should be present before the Task Force and not Frank Lee. Thomas Picarello stated that the Task Force has failed the Complainant due not naming an individual as the Respondent. Peter Warfield spoke expressing concern of bad behavior of Respondent.

The motion PASSED by the following vote:

Ayes: 7 – Chan, Costa, Knee, Manneh, Washburn, West, Vice Chair Wolfe, Chair Johnson
Absent: 0
Excused: 2 - Snyder, Cauthen

7. **File No. 11084:** Hearing on determination of reconsideration of File No. 11084
Complaint filed by Library Users Association against the Arts Commission for not
providing an audio recording of a meeting. (3:10:42 - 3:35:00)

Chair Johnson provided a recap of the prior proceedings and stated the reconsideration is due to the Section stated previously does not apply to the Visual Arts Commission, because the Commission does not meet in City Hall. Peter Warfield (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. Julio Mantos, Arts Commission, 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. Complainant responded to questions raised throughout the discussion and further requested the Task Force to find further violations. Respondent waived his right to rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Johnson, seconded by Member Knee, moved to rehear the complaint on May 2, 2012.

Speakers: Jason Grant Garza expressed support for the rehearing. Allen Grossman expressed concern regarding another option other than to rehear the item.

The motion PASSED by the following vote:

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

Absent: 1 - Chan

Excused: 2 - Snyder, Cauthen

8. **File No. 11089:** Complaint filed by Bobb Birkhead against the City Attorney's Office for allegedly withholding documents. (3:35:00 - 03:48:04)

Member Wolfe, seconded by Member Manneh, moved to CONTINUE TO THE CALL OF THE CHAIR.

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

Speakers: Thomas Picarello objected to continuation. Jason Grant Garza objected to continuation.

The motion PASSED by the following vote:

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

Absent: 1 - Chan

Excused: 2 - Snyder, Cauthen

9. **File No. 11091:** Complaint filed by Nick Pasquariello against the Office of Supervisor David Chiu for allegedly not responding to an Immediate Disclosure Request. (03:48:05 - 04:12:03)

Member Washburn, seconded by Member Manneh, moved to dismiss the complaint with the option to re-file.

The motion PASSED by the following vote:

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

Absent: 1 - Chan

Excused: 2 - Snyder, Cauthen

10. **File No. 11095:** Complaint filed by Arnita Bowman against the Department of Parks and Recreation for allegedly not providing requested documents. (00:04:07 - 00:04:48)

Chair Johnson indicated the File No. 11095 was withdrawn by the Complainant.

TABLED BY OPERATION OF LAW.

11. **File No. 11096:** Complaint filed by Arnita Bowman against the Department of Parks and Recreation for allegedly not providing requested documents and delayed response. (00:04:07 - 00:04:48)

Chair Johnson indicated the File No. 11096 was withdrawn by the Complainant.

TABLED BY OPERATION OF LAW.

12. **File No. 11097:** Complaint filed by Charles Pitts against the Police Department for allegedly not providing requested information. (00:05:48 - 00:11:16)

Chair Johnson indicated a request that File No. 11097 be continued by the Complainant.

Member Washburn, seconded by Member Wolfe, moved to close the complaint with the option to re-file.

Speakers: Jason Grant Garza spoke expressing objection to closing the complaint. Thomas Picarello spoke expressing objection to closing the complaint. Peter Warfield spoke expressing objection to closing the complaint.

The motion PASSED by the following vote:

Ayes: 8 – Chan, Costa, Knee, Manneh, Washburn, West, Vice Chair Wolfe, Chair Johnson

Excused: 1 – Snyder

Absent: 1 – Cauthen

13. **File No. 11098:** Complaint filed by Ray Hartz, Jr. against Luis Herrera, City Librarian for allegedly not including a brief written summary of comments into the minutes. (00:11:17 - 00:15:59)

Chair Johnson announced that File No. 11098 be tabled due to receipt of Respondent's response prior to March 7, 2012 meeting.

Member Knee, seconded by Member Wolfe, moved to TABLE the item upholding the original Order of Determination.

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

14. **File No. 11099:** Complaint filed by Jason Grant Garza against the Department of Public Health for allegedly not providing requested information. (16:00 - 00:20:45)

Chair Johnson indicated that File No. 11099 be continued by the Respondent.

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

Jason Grant Garza (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. The Respondent was not present for rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Knee, seconded by Member Manneh, moved to CONTINUE to May 2, 2012, send a notice to both parties to appear, and find violation of Sunshine Ordinance Section 67.21(e) based on Barbara Garcia (Respondent) failing to appear.

The motion PASSED by the following vote:

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

Absent: 1 - Chan

Excused: 2 - Snyder, Cauthen

15. **File No. 12003:** Complaint filed by the Library Users Association against the Arts Commission for allegedly not allowing provisions for general public comment about the Bernal Heights Branch Library Mural. (4.33.35 - 05:11:48)

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

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

Peter Warfield (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. Julio Mantos, Respondent, Arts Commission, 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 waived his right to rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Knee, seconded by Vice Chair Wolfe, moved to find the Visual Arts Committee in violation of Sunshine Ordinance Sections 67.15 based on failure to provide public testimony, 67.21(e) based on failure to send a knowledgeable representative, Brown Act 54954.3 based on failure to provide general comment; referral to Education Outreach and Training Committee. Require the Visual Arts Committee members to take training on public comment.

The motion PASSED by the following vote:

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

Recess 9:20 – 9:25

16. **File No. 12004:** Complaint filed by the Library Users Association against the Arts Commission for allegedly restricting appointments to one hour, in the middle of the afternoon to listen to recordings of meetings referring to the Bernal Heights Branch Library Mural. (5:11:48 - 05:32:11)

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

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

Peter Warfield (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. Julio Mantos, Respondent, Arts Commission, 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 waived his right to rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Knee, seconded by Member Washburn, moved to find Sharon Richie, Secretary, Arts Commission, the Arts Commission and Visual Arts Committee in violation of Sunshine Ordinance Sections 67.14 based on providing an audio recording of a meeting, 67.21(a) based on requiring an appointment to inspect a public record, 67.21 (e) based on failure to send a knowledgeable representative; and California Public Records Act 62.53 for restricting the time of listening access; and referral to Education Outreach and Training Committee.

The motion PASSED by the following vote:

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

Absent: 2 - Chan, Vice Chair Wolfe

Excused: 2 - Snyder, Cauthen

17. **File No. 12005:** Complaint filed by Anonymous against the Municipal Transportation Agency for allegedly not providing camera footage. (00:20:45 - 00:23:58)

Chair Johnson indicated a request that File No. 12005 be continued by the Respondent

By unanimous consent the item was CONTINUED to May 2, 2012

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

18. **File No. 12006:** Complaint filed by Ray Hartz, Jr. against Angela Calvillo, Clerk of the Board for allegedly failing to perform administrative duties for the Sunshine Ordinance Task Force as required pursuant to the Sunshine Ordinance. (00:23:59 - 00:25:27)

TABLED BY OPERATION OF LAW.

19. **File No. 12007:** Complaint filed by the Library Users Association against Supervisor Campos for allegedly responding late to an immediate disclosure request and redacting information from Bernal Heights Branch Library Mural related documents inappropriately.(0534.15 - 06:50:54)

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

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

Peter Warfield (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. Hillary Ronen (Respondent), Supervisor Campos' Office, provided an overview of the Supervisor's Office 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 Manneh, moved to find Supervisor David Campos in violation of Sunshine Ordinance Sections 67.25 (a) based on failure to respond to the Immediate Disclosure Request in a timely matter, 67.26 based on failure to keep withholding to a minimum by redacting the contact information; and referral to Compliance and Amendments Committee.

The motion PASSED by the following vote:

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

Absent: 2 - Chan , Vice Chair Wolfe

Excused: 2 - Snyder, Cauthen

20. **File No. 12008:** Complaint filed by Allen Grossman against Scott Minty, Information Systems Administrator, City Attorney's Office for allegedly failing to respond to records request. (06:11:04 - 06:45:12)

Allen Grossman (Complainant) requested that File Nos. 12008, 12009, and 12010 be considered as a combined file.

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

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

Allen Grossman (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. The Respondent was not present for rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Washburn, seconded by Member Knee, moved to find Scott Minty, Marisa Moret, and Susana Martinez, City Attorney's Office, in violation of Sunshine Ordinance Sections 67.21(b) based on the Custodian of Records failure to comply with the public records request, 67.21(e) based on failure to appear before the Task Force for the hearing, 67.26 based on failure to keep withholding to a minimum, 67.27 based on failure to justify a reason, and referral to Compliance and Amendments Committee.

Speaker: Peter Warfield spoke in support of motion.

The motion PASSED by the following vote:

Ayes: 7 – Costa, Knee, Manneh, Washburn, Chair Johnson

Noes: 1 - West

Absent: 2 - Chan, Vice Chair Wolfe

Excused: 2 - Snyder, Cauthen

21. **File No. 12009:** Complaint filed by Allen Grossman against Marisa Moret, Managing Attorney, City Attorney's Office for allegedly failing to respond to records request.

Allen Grossman (Complainant) requested that File Nos. 12008, 12009, and 12010 be considered as a combined file.

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

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

Allen Grossman (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. The Respondent was not present for rebuttal. Complainant provided a rebuttal and further requested the Task Force to find violation.

Member Washburn, seconded by Member Knee, moved to find Scott Minty, Marisa Moret, and Susana Martinez, City Attorney's Office, in violation of Sunshine Ordinance Sections 67.21(b) based on the Custodian of Records failure to comply with the public records request, 67.21(e) based on failure to appear before the Task Force for the hearing, 67.26 based on failure to keep withholding to a minimum, 67.27 based on failure to justify a reason, and referral to Compliance and Amendments Committee.

Speaker: Peter Warfield spoke in support of motion.

The motion PASSED by the following vote:

Ayes: 7 – Costa, Knee, Manneh, Washburn, Chair Johnson

Noes: 1 - West

Absent: 2 - Chan, Vice Chair Wolfe

Excused: 2 - Snyder, Cauthen

22. **File No. 12010:** Complaint filed by Allen Grossman against Susana Martinez, Chief Financial Officer, City Attorney's Office for allegedly failing to respond to records request.

Allen Grossman (Complainant) requested that File Nos. 12008, 12009, and 12010 be considered as a combined file.

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

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

Allen Grossman (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. The Respondent was not present for rebuttal. Complainant waived rebuttal.

Member Washburn, seconded by Member Knee, moved to find Scott Minty, Marisa Moret, and Susana Martinez, City Attorney's Office in violation of Sunshine Ordinance Sections 67.21(b) based on the Custodian of Records failure to comply with the public records request, 67.21(e) based on failure to appear before the Task

Force for the hearing, 67.26 based on failure to keep withholding to a minimum, 67.27 based on failure to justify a reason, and referral to Compliance and Amendments Committee.

Speaker: Peter Warfield spoke in support of motion.

The motion PASSED by the following vote:

Ayes: 7 – Costa, Knee, Manneh, Washburn, Chair Johnson

Noes: 1 - West

Absent: 2 - Chan, Vice Chair Wolfe

Excused: 2 - Snyder, Cauthen

23. Permanent designation of Seat No. 2 as the Bruce Brugmann Seat. (Discussion and Action. (1.11.33 – 1.33.27)

Member Knee, seconded by Member Washburn, moved to name Seat No. 2 the Bruce Brugmann Seat pending completion of legal requirements.

Speaker: Jason Grant Garza spoke expressing objection to naming the seat after Bruce Brugmann. Thomas Picarello requested the item be continued to the future incoming Task Force Members.

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

24. **Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda. (51.47 – 1.11.33)

Speakers: Ray Hartz spoke expressing praise of SOTF. Jason Grant Garza spoke expressing concern about the Chair not replying to correspondence and him not having access to medical records. Thomas Picarello spoke expressing concern regarding Respondents not being available after 5:00p.m. to present their responses in complaint cases and requested to have SOTF meetings televised. Peter Warfield spoke inquiring which members of the SOTF will reapply. Ace spoke expressing clarity in the time allowed for speakers to speak. Allen Grossman spoke announcing the Joint Ethic Commission SOTF Committee meeting. Male Speaker spoke expressing anonymous' right to remain anonymous.

25. **Report: Compliance and Amendments meeting of March 20, 2012.**

In the interest of time, the report was not heard.

26. **Administrator's Report.**

In the interest of time, the report was not heard.

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

There were none.

28. **ADJOURNMENT**

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

