

File No. 12014

SOTF Item No. 13  
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"/>	<b>Complaint Response</b>
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**OTHER**

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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.



To:  
Cc:  
Bcc:  
Subject: Fw: My complaint

## My complaint

Bill and Bob Clark to: sotf

03/07/2012 04:57 PM

Please respond to Bill and Bob Clark

### Complaint Form

SUNSHINE ORDINANCE TASK FORCE  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco CA 94102  
Tel. (415) 554-7724;  
Fax (415) 554-7854  
<http://sfgov.org/sunshine>

(\* Required field)

Complaint against which Department or Commission \* SF Arts Commission  
Name of individual contacted at Department or Commission  
Alleged Violation: Tom DeCaigny  
Public Records: \* Yes  
Public Meeting: \* No  
Date of meeting:  
Sunshine Ordinance Section:  
(If known, please cite specific provision being violated) Section 67.25(a)

Please describe alleged violation: \*On March 1, 2011 I sent Mr. DeCaigny the following email:

From: Bill and Bob Clark [Add to Address Book]  
To: tom.decaigny@sfgov.org  
Cc: howard.lazar@sfgov.org  
Subject: IMMEDIATE DISCLOSURE REQUEST FOR INFORMATION  
Date: Mar 1, 2012 5:32 PM  
IMMEDIATE DISCLOSURE REQUEST

Mr. DeCaigny,

At the January 30, 2012 Executive Committee meeting the Committee approved a proposed FY 2012-13 Street Artist Program budget amounting to \$262,313. At the meeting the public was not provided with an itemized list of expenditures for that proposed budget. Since the proposed Street Artist Program budget for FY 2012-13 is going to be voted on at the March 5, 2012 Arts Commission meeting which is only 5 days from now, I am making an Immediate Disclosure Request for an Itemized list of the expenditures in the proposed Street Artist Program budget for FY 2012-13 which amounts to \$262,313.

I am making this Immediate Disclosure Request pursuant to the provisions of the San Francisco

Sunshine Ordinance.

I checked my emails at 5 PM the following day and I had not received a response from Mr. DeCaigny. I checked my emails the following night at 7:30 PM and noticed that I had an email from Mr. DeCaigny that was sent to me at 7:31 PM on March 2, 2011.

The email read as follows:

From: "DeCaigny, Tom" [Edit Address Book]  
To: Bill and Bob Clark  
Cc: "Lazar, Howard" , "Krell, Rebekah"  
Subject: Re: IMMEDIATE DISCLOSURE REQUEST FOR INFORMATION  
Date: Mar 2, 2012 7:31 PM  
Dear Mr. Clark:

Thank you for your inquiry. The itemized list of expenditures for the proposed FY 2012-13 & 2013-14 Street Artists Program Budgets was posted earlier today. You can find the document here:  
<http://www.sfgov3.org/modules/showdocument.aspx?documentid=1656>.

Sincerely,  
Tom DeCaigny

Tom DeCaigny  
Director of Cultural Affairs  
San Francisco Arts Commission  
25 Van Ness, Suite 345  
San Francisco, CA 94102

phone: (415) 252-2591  
fax: (415) 252-2595

The attachments in his email provided me with only some of the information I requested.

Therefore, I am filing this complaint.

William J. Clark

Do you wish a public hearing before the Sunshine Ordinance Task Force? \* Yes

Do you also want a pre-hearing conference conference before the Complaint Committee? No

(Optional)  
Date: March 7, 2012  
Name: William J. Clark  
Address: P.O. Box 882252  
City: SF  
Zip: 94188  
Telephone: 415-822-5465  
Email: billandbbclark@access4less.net

If anonymous, please let us know how to contact you. Thank you.  
I request confidentiality of my personal information. No

Notice: Personal Information that you provide is subject to disclosure under the California Public Records Act and the Sunshine Ordinance, except when confidentiality is specifically requested. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone Number, Fax Number, or Email address).

Last updated: 9/1/2009 10:40:32 AM



SAN FRANCISCO ARTS COMMISSION

EDWIN M. LEE  
MAYOR

TOM DeCAIGNY  
DIRECTOR OF  
CULTURAL AFFAIRS

March 20, 2012

Sunshine Ordinance Task Force  
1 Dr. Carlton B. Goodlett Pl., Room 244  
San Francisco, CA 94102

Re: Complaint 12014  
William J. Clark v. Arts Commission

PROGRAMS

CIVIC ART COLLECTION  
CIVIC DESIGN REVIEW  
COMMUNITY ARTS  
& EDUCATION  
CULTURAL EQUITY GRANTS  
PUBLIC ART  
STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY  
401 VAN NESS AVENUE  
415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

Honorable Members of the Sunshine Ordinance Task Force:

I am writing in response to complaint #12014, submitted on March 7, 2012 by William J. Clark, and received by our office on March 14, 2012.

In his complaint, Mr. Clark says that he requested "an Itemized list of the expenditures in the proposed Street Artist Program budget for FY 2012-13 which amounts to \$262,313."

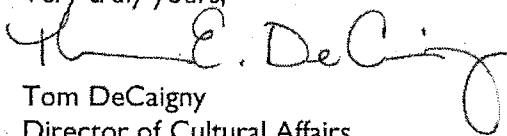
Mr. Clark's complaint acknowledges receipt of my response, which states, in part: "The itemized list of expenditures for the proposed FY 2012-13 & 2013-14 Street Artists Program Budgets was posted earlier today. You can find the document here: <http://www.sfgov3.org/modules/showdocument.aspx?documentid=1656>."

Mr. Clark's complaint then says: "The attachments in his email provided me with only some of the information I requested."

In response to the complaint, please be advised that the document posted online with the agenda for the March 5, 2012 meeting of the full Arts Commission, entitled "Budgeted Revenues, Expenditures by Program," includes on page 2 an itemized list of both revenue and expenditures for the proposed Street Artists Program budget for FY 2012-13 and FY 2013-14, and is responsive to Mr. Clark's request. The document is still posted here: <http://www.sfgov3.org/modules/showdocument.aspx?documentid=1656>

For the convenience of the Task Force, we are attaching a copy of the document for your review.

Very truly yours,

  
Tom DeCaigny  
Director of Cultural Affairs



CITY AND COUNTY OF  
SAN FRANCISCO

TD/spr  
Encl

Arts Commission - March 2, 2012  
Budgeted Revenues Expenditures by Program

Program	Description	Title	FY11-12 Approved Budget	FY12-13 Proposed Budget	FY13-14 Proposed Budget
<b>Administration</b>	<b>Revenue:</b>				
		General Fund	713,136	460,673	431,106
		POP Concerts	772,606	450,817	440,365
		Overhead Recovery		401,076	495,112
	<b>Revenue Total:</b>		<b>1,485,742</b>	<b>1,312,566</b>	<b>1,366,583</b>
	<b>Expense:</b>				
		Salaries	747,294	719,701	722,470
		Mandatory Fringe Benefits	372,307	353,209	388,761
		Other Expenses	129,391	18,680	18,680
		City Department Work Orders	236,750	220,976	236,672
	<b>Expense Total:</b>		<b>1,485,742</b>	<b>1,312,566</b>	<b>1,366,583</b>
<b>Community Arts &amp; Education</b>	<b>Revenue:</b>				
		Cultural Centers			
		Hotel Tax	1,516,000	1,516,000	1,516,000
		General Fund	582,602	776,195	792,266
		Grants for the Arts	441,229	441,229	441,229
		Capital Maintenance*	595,000	20,000	20,000
	<b>Revenue Subtotal:</b>		<b>3,134,831</b>	<b>2,753,424</b>	<b>2,769,495</b>
		WritersCorps			
		Library Work Order	170,000	180,000	180,000
		DCYF Work Order	100,000	100,000	100,000
		Grants	107,600	107,600	107,600
	<b>Revenue Subtotal:</b>		<b>377,600</b>	<b>387,600</b>	<b>387,600</b>
		Arts Education			
		Transit Advertising	133,017	133,017	133,017
		Street Smarts, Where Art Lives	150,000	150,000	150,000
	<b>Revenue Subtotal:</b>		<b>283,017</b>	<b>283,017</b>	<b>283,017</b>
	<b>Revenue Total:</b>		<b>3,795,448</b>	<b>3,424,041</b>	<b>3,440,112</b>
	<b>Expense:</b>				
		Cultural Centers			
		Salaries	144,092	284,461	285,555
		Mandatory Fringe Benefits	62,759	114,976	128,947
		Grants	2,124,238	2,124,238	2,124,238
		Overhead	106,659	107,666	108,672
		Other Expenses	102,083	102,083	102,083
		Capital Maintenance*	595,000	20,000	20,000
	<b>Expense Subtotal:</b>		<b>3,134,831</b>	<b>2,753,424</b>	<b>2,769,495</b>
		WritersCorps			
		Salaries	134,735	141,672	142,217
		Benefits	59,856	63,193	70,526
		Program Expenses	183,009	182,735	174,857
	<b>Expense Subtotal:</b>		<b>377,600</b>	<b>387,600</b>	<b>387,600</b>
		Arts Education			
		Salaries	62,972	108,458	108,876
		Street Smarts, Where Art Lives	22,040	47,991	53,577
		Program Expenses	198,005	126,568	120,564
	<b>Expenses Subtotal:</b>		<b>283,017</b>	<b>283,017</b>	<b>283,017</b>
	<b>Expense Total:</b>		<b>3,795,448</b>	<b>3,424,041</b>	<b>3,440,112</b>
<b>Cultural Equity Grants</b>	<b>Revenue:</b>				
		Hotel Tax	1,716,000	1,716,000	1,716,000
		General Fund	668,787	598,476	614,517
		Grants for the Arts	30,000	30,000	30,000
	<b>Revenue Total:</b>		<b>2,414,787</b>	<b>2,344,476</b>	<b>2,360,517</b>
	<b>Expense:</b>				
		Salaries	206,396	285,492	286,591
		Mandatory Fringe Benefits	91,179	120,826	135,143
		Temporary Staff	175,362	-	-
		Grants	1,823,527	1,823,527	1,823,527
		Overhead	101,077	97,385	98,010
		Other Expenses	17,246	17,246	17,246
	<b>Expense Total:</b>		<b>2,414,787</b>	<b>2,344,476</b>	<b>2,360,517</b>
<b>Gallery</b>	<b>Revenue:</b>				
		POP Concerts	20,000	341,789	352,241
		General Fund	10,000	10,000	10,000
		Grants for the Arts	25,000	25,000	25,000
	<b>Revenue Total:</b>		<b>55,000</b>	<b>376,789</b>	<b>387,241</b>
	<b>Expense:</b>				
		Salaries	-	181,571	182,270
		Mandatory Fringe Benefits	-	81,705	91,152
		Program expenses	55,000	55,000	55,000
		Overhead	-	58,513	58,819
	<b>Expense Total:</b>		<b>55,000</b>	<b>376,789</b>	<b>387,241</b>

Program	Description	Title	FY11-12 Approved Budget	FY12-13 Proposed Budget	FY13-14 Proposed Budget
<b>Public Art</b>					
	Revenue:				
		2% Art Enrichment Fund	1,817,553	1,437,660	1,054,444
		Transit Advertising	109,586	109,586	109,586
		JC DeCaux	4,000	4,000	4,000
	Revenue Total:		1,931,139	1,551,246	1,168,030
	Expense:				
		Salaries	500,098	593,757	593,757
		Mandatory Fringe Benefits	175,034	237,503	237,503
		Overhead	114,714	116,622	118,529
		Other Expenses	113,586	113,586	113,586
		Artist Services	914,121	489,778	104,655
		Special Projects	113,586	113,586	113,586
	Expense Total:		1,931,139	1,664,832	1,281,616
		Total Project Cost			
<b>Civic Collection</b>					
	Revenue:				
		General Fund	-	255,500	265,118
		2% Art Enrichment Fund	49,491	36,256	36,256
		Airport Work Order	31,025	31,025	31,025
		Capital Maintenance*	75,000		
	Revenue Total:		155,516	322,781	332,399
	Expense:				
		Salaries	9,222	178,521	179,208
		Mandatory Fringe Benefits	3,680	77,229	86,225
		Overhead	49,491	49,877	50,264
		Other Expenses	18,123	17,154	16,702
		Capital Maintenance*	75,000		
	Expense Total:		155,516	322,781	332,399
<b>Street Artists</b>					
	Revenue:				
		License Fees	262,313	262,313	262,313
		Interest Earned	-	568	568
		Fund Balance	-	31,821	1,331
	Revenue Total:		262,313	294,702	264,212
	Expense:				
		Salaries	123,372	125,000	126,300
		Mandatory Fringe Benefits	55,448	63,568	70,811
		Overhead	29,675	33,684	34,063
		Management Supervision	18,085	18,307	18,757
		Legal Services	20,396	20,396	20,396
		Other Expenses	30,842	32,416	29,516
	Expense Total:		277,818	293,371	299,843
<b>Civic Design</b>					
	Revenue:				
		Fee for Service	155,459	150,000	150,000
	Revenue Total:		155,459	150,000	150,000
	Expense:				
		Salaries	63,357	75,295	75,585
		Mandatory Fringe Benefits	29,429	32,789	36,632
		Overhead	-	16,585	16,700
		Other Expenses	62,673	25,331	21,083
	Expense Total:		155,459	150,000	150,000
<b>Municipal Symphony Concerts</b>					
(Charter Mandated Set Aside)	Revenue:				
		General Fund	1,985,087	1,985,087	1,985,087
	Revenue Total:		1,985,087	1,985,087	1,985,087
	Expense:				
		Contract (SF Symphony)	1,985,087	1,985,087	1,985,087
	Expense Total:		1,985,087	1,985,087	1,985,087

\*The Capital Planning Committee will determine the Art Commission's capitol fund allocation in May.

