

File No. _____

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: May 15, 2012

CAC/SOTF

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Completed by: Andrea Ausberry Date May 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.