

SUNSHINE ORDINANCE  
TASK FORCE



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September 14, 2011

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San Francisco, CA 94102

Board of Supervisors  
San Francisco City Hall  
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Barbara A. Garcia, MPA, Director of Health  
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San Francisco Department of Public Health  
101 Grove Street  
San Francisco, CA 94102

**Re: Request for Immediate Extension of Noise Ordinance Task Force Sunset Date**  
*(Sunshine Ordinance Complaint No. 11043, Gamez v. Dept. of Public Health)*

Dear Mayor Lee, Members of the Board of Supervisors, Mr. Herrera, and DPH Officials,

The Sunshine Ordinance Task Force recommends you take urgent and immediate action to extend the sunset date for the Noise Ordinance Task Force ("NOTF"), currently scheduled to sunset in November 2011 pursuant to San Francisco Police Code Section 2918(c) unless continued by the Board of Supervisors ("Board").

The NOTF was created by the Board in 2008 to assist the Director of Public Health with implementation of the noise control ordinance and provides annual reports to the Board regarding progress in protecting the City's noise environment. As a policy body established by ordinance and a resolution of the Board, the NOTF is subject to the Sunshine Ordinance under Section 67.3(d). Yet, from its beginning, the NOTF has been in violation of state and local public meeting laws because members were unaware the NOTF was subject to the Sunshine Ordinance.

Active citizens brought these violations to the attention of the Sunshine Ordinance Task Force at hearings on July 26<sup>th</sup> and August 23<sup>rd</sup> of this year. On June 21<sup>st</sup>, Eileen Shields, Public Information Officer for the Department of Public Health ("DPH"), responded to citizen complaints, acknowledging DPH's failure to comply with Sunshine Ordinance public meeting

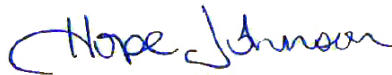
requirements. NOTF meeting agendas and minutes were not regularly posted and its meetings were not made known to the public,

Section 2918 requires the NOTF to meet quarterly. Its potential final meeting is scheduled for this Thursday, September 15<sup>th</sup>, allowing almost no time for public participation before the NOTF sunsets. Based on testimony from members of the public and DPH officials, the Sunshine Ordinance Task Force recommends the Board and other public officials request the NOTF's work continue past the November 2011 sunset date. The extension is necessary and should be long enough to allow members of the public to become engaged in the NOTF's work and make contributions to any noise control recommendations it makes to the Director of Health and the Board. The noise control ordinance exists to protect the public and the public deserves an opportunity for full participation in implementation of the ordinance.

The Sunshine Ordinance Task Force also makes this recommendation for an extension pursuant to the City and County of San Francisco's declaration that public participation is fundamental to democracy: "The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information." (Sunshine Ordinance Section 67.1(d).)

Finally, and importantly, the Sunshine Ordinance Task Force urges the Board to take measures to ensure that all future task force groups follow the Sunshine Ordinance, including requiring adequate open government law training for all future task force members.

Thank you for time and immediate attention to this matter. Please contact the Sunshine Ordinance Task Force Administrator at [sotf@sfgov.org](mailto:sotf@sfgov.org) or (415) 554-7724 with any questions or concerns.



Hope Johnson, Chair  
Sunshine Ordinance Task Force

cc: Alicia Gamez, Complainant  
Dr. Rajiv Bhatia, Respondent  
Tom Rivard, Respondent