



ORDER OF DETERMINATION

May 23, 2013

DATE THE DECISION ISSUED

April 3, 2013

RAY HARTZ VS. CLERK OF THE BOARD (CASE NO. 12050)

FACTS OF THE CASE

Complainant Ray Hartz ("Complainant") alleges that Angela Calvillo, Clerk of the Board of Supervisors (the "Clerk"), repeatedly violated section 67.16 of the Ordinance by failing to include his 150-word written statements, summarizing his public comments, in the body of the minutes of the Board's meetings held on March 6, 2012; April 17, 2012; May 8, 2012; June 5, 2012; July 24, 2012; September 4, 2012; and September 11, 2012.

COMPLAINT FILED

On October 23, 2012, Mr. Hartz filed a complaint with the Task Force.

HEARING ON THE COMPLAINT

On April 3, 2013, Complainant, Mr. Hartz appeared before the Task Force and presented his claim. Respondent, Rick Caldeira, Deputy Director, Office of the Clerk of the Board presented the Clerk of the Board's defense stating 150-word statements submitted are included in the Board's minutes as an addendum to the minutes.

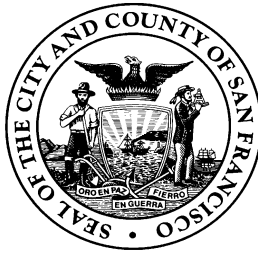
The issue in the case is whether the Clerk of the Board violated Sections 67.16, 67.21, 67.30(c), 67.33, and 67.34 of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of Mr. Hartz to be persuasive and finds that Section 67.16 of the Ordinance to be applicable in this case. The Task Force does not find the testimony provided by Mr. Caldeira persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that Angela Calvillo, Clerk of the Board of Supervisors, violated Section 67.16 of the Sunshine Ordinance for failure to include Mr. Hartz's 150-word statement within the body of minutes at the point in the minutes where the speaker made his comments. The Clerk of the Board shall place 150-word statements submitted by members of the public within the minutes directly following the item addressed in public comment. Angela Calvillo, Clerk of the Board of Supervisors shall appear before the Education, Outreach and Training Committee on June 13, 2013.



This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 3, 2013 by the following vote: (Hyland/Oka)

Ayes: Knee, Manneh, Washburn, Sims, Hyland, Oka, Fischer

Noes: Pilpel, Grant

Absent: David

A handwritten signature in cursive script that reads "Kitt Grant".

Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Ray Hartz, Jr., Complainant
Angela Calvillo, Clerk of the Board of Supervisors, Respondent