



ORDER OF DETERMINATION
December 13, 2013

DATE THE DECISION ISSUED
December 4, 2013

CASE TITLE – JAMES CHAFFEE V. BOARD OF SUPERVISORS, BUDGET AND FINANCE COMMITTEE (13035)

FACTS OF THE CASE

James Chaffee ("Complainant") complains that the Board of Supervisors, Budget and Finance Committee ("Respondents") violated public meeting rules with regard to its June 19 and June 21, 2013, meetings. Complainant alleges a violation of Govt. Code §54954.3(a) (pertaining to provision of public comment on a public meeting agenda) and SF Admin. Code §67.15(a) regarding public testimony.

COMPLAINT FILED

On July 2, 2013, "Complainant" filed a complaint against "Respondents", seeking assistance from the Task Force regarding the failure of the "Respondents" to provide opportunity for public comment and taking actions without public comment. The Clerk of the Board, upon notification of the complaint, responded to the allegation. The correspondence culminated in a notification to the Task Force from the "Complainant" on July 5, 2013, that mediation was not appropriate for the matter and requested a hearing before the Sunshine Ordinance Task Force.

HEARING ON THE COMPLAINT

On December 4, 2013, "Complainant", appeared before the Task Force claiming the Board of Supervisors, Budget and Finance Committee did not adequately allow for public comment prior to acting on matters before them. Wilson Ng, Records Manager, Board of Supervisors, ("Respondent") presented the Board of Supervisors, Budget and Finance Committee defense stating that opportunity for public comment was allowed prior to taking final actions.

The issue in the case was whether the Board of Supervisors, Budget and Finance Committee violated Section 67.15 of the Ordinance and/or Section 54950 of the Brown Act.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of "Complainant" to be persuasive and finds Sections 67.15(c) of the Sunshine Ordinance and Section 54954.3(b) of the Government Code Section to be applicable in this case. The Task Force does not find the testimony provided by the "Respondent" persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Board of Supervisors, Budget and Finance Committee violated Sections 67.15(c) of the Sunshine Ordinance and Section 54954.3(b) of the Government Code Section for failing to provide adequate opportunity for public comment prior to taking final actions. The "Respondent" shall appear at the Education, Outreach and Training Committee meeting tentatively scheduled for February 10, 2014, to discuss potential changes to guidelines and procedures for public comment to prevent future violations.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on December 4, 2013, by the following vote: (Pilpel/Knee)

Ayes: Knee, Washburn, Pilpel, Sims, Hyland, Oka, Fischer, Grant

Noes: David



Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Celia Lee, Deputy City Attorney
Jerry Threet, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Wilson Ng, Records Manager, Board of Supervisors
Mark Farrell, Chair, Budget and Finance Committee, Board of Supervisors