

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
October 24, 2014

DATE DECISION ISSUED
October 1, 2014

CASE TITLE - Thomas Picarello v. Supervisor Mark Farrell, Chair of the Budget and Finance Committee of the Board of Supervisors. (File No. 14063)

FACTS OF THE CASE

Thomas Picarello (Complainant) made a complaint alleging that Supervisors Farrell, Mar, Avalos, Weiner and Breed, Board of Supervisors' Budget and Finance Committee (Respondent), violated provisions of the Sunshine Ordinance by failing to provide adequate opportunity for public comment prior to taking final Actions at the Budget and Finance Committee meeting on June 16, 2014.

COMPLAINT FILED

On June 16, 2014, Mr. Picarello filed a complaint with the Sunshine Ordinance Task Force (Task Force) regarding alleged failure to take general public comment during the Budget and Finance Committee's June 16, 2014, meeting.

HEARING ON THE COMPLAINT

On October 1, 2014, Mr. Picarello appeared before the Task Force and presented his claim. Catherine Stefani, aide to Supervisor Farrell, and Wilson Ng, Clerk of the Board's Office (Respondents), appeared before the Task Force and presented the department's defense.

The issue in the case was whether Administrative Code (Sunshine Ordinance), Sections 67.15 and 67.34 and California Government Code Section 54954.3(a) were violated.

Mr. Picarello stated that the named respondents were not present to provide testimony.

The Task Force discussed whether or not to name all the members of the Budget and Finance Committee or the Chair (Supervisor Farrell) of the Budget and Finance Committee as the responsible party for the violation.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Picarello to be persuasive and finds Administrative Code (Sunshine Ordinance), Section 67.21(b) and California Government Code, Section 54954.3(a) to be applicable to this case. The Task Force does not find the testimony provided by the Respondents persuasive to this case.

DECISION AND ORDER OF DETERMINATIONS

The Task Force finds Supervisor Farrell, Chair of the Budget and Finance Committee of the Board of Supervisors, in violation Administrative Code (Sunshine Ordinance), Section 67.15(b) and California Government Code, Section 54954.3(a) for failure to provide adequate opportunity for public comment on items 5 through 10 of the Budget and Finance Committee's June 16, 2014, meeting.

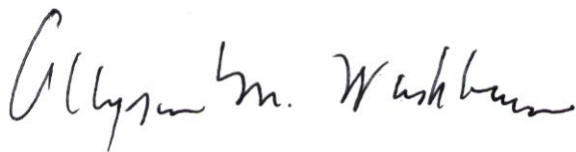
Chair Washburn referred the matter to the Education, Outreach and Training Committee (EOTC) to be heard in conjunction with other complaints regarding general public comment at the Budget and Finance Committee during the city's budget process. The EOTC shall, in conjunction with Supervisor Farrell's Office, develop new proposals for general public comment during the budget process. In addition, the EOTC shall consider options and provide recommendations to future chairs of the Budget and Finance Committee. The EOTC shall provide their recommendations to the Sunshine Ordinance Task Force for review no later than March 1, 2015.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 1, 2014, by the following vote:

Ayes: 6 - Wolf, Pilpel, Hepner, Oka, Hyland, Washburn

Noes: 2 - David, Fischer

Absent: 2 - Rumold, Winston



Allyson Washburn, Chair
Sunshine Ordinance Task Force

- c. Nick Colla, Deputy City Attorney
- Thomas Picarello, Complainant
- Supervisor Farrell, Board of Supervisors
- Catherine Stefani, Board of Supervisors
- Angela Calvillo, Clerk of the Board
- Wilson Ng, Clerk of the Board's Office