

**SUNSHINE ORDINANCE  
TASK FORCE**



City Hall  
1 Dr Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-7724  
Fax No. (415) 554-7854  
TTD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION**  
January 29, 2016

**DATE ORDER OF DETERMINATION ISSUED**  
January 6, 2016

**CASE TITLE – Mike Anderer V. John Gavin, Office of the City Administrator**  
(File No. 15141)

**FACTS OF THE CASE**

On October 1, 2015, Michael Anderer (Complainant) made a complaint alleging that John Gavin and the Office of the City Administrator (Respondent) violated Administrative Code (Sunshine Ordinance), Sections 67.7, 67.9, 67.16 and 67.21, by: 1) failing to post an agenda in a timely manner; 2) failing to make available documents related to agenda items; 3) failing to make meeting minutes available in a timely manner; and 4) failing to provide public records in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On November 17, 2015, the Complaint Committee heard the matter.

Mr. Anderer (Complainant) provided a summary of the complaint and requested the Task Force to find violations. There were no speakers in support of the Complainant. John Gavin, City Administrator's Office (Respondent), provided a summary of the department's position. There were no speakers in support of the Respondent. A question and answer period followed. The Complainant and Respondent provided rebuttals.

The Committee reviewed the individual components of the complaints as follows:

- The Committee believes that a violation of Administrative Code (Sunshine Ordinance), Section 67.7 occurred as the Central Market and Tenderloin Area Committee (CAC) failed to post their October 1, 2015, agenda online 72 hours prior to the meeting. Mr. Gavin indicated that there were technical issues at that time that have been resolved, and that he now has access to post directly to the CAC's website.

- The Committee does not believe there is a violation of Sunshine Ordinance, Section 67.9, as Mr. Gavin indicated that he did not receive the supporting documents for agenda items on the CAC October 1, 2015, meeting with enough time to post it online. The documents in question were provided during the meeting in question. The committee recommends that Mr. Gavin work with the various stakeholders to indicate that all supporting documents should be provided in a timely manner so that they can be distributed prior to the meeting. In addition, it was recommended that the Complainant work with Mr. Gavin to create a method for distribution of documents that are not provided to CAC staff in a timely manner.
- The Committee does not believe there is a violation of Sunshine Ordinance, Section 67.16, for failure to post the August 5, 2015, and October 1, 2015, CAC minutes in a timely manner. Section 67.16 states that draft minutes of each meeting shall be available for inspection and copying upon request no later than ten working days after the meeting. Mr. Anderer indicated that he did not request copies of the draft minutes in question. However, the Committee suggested that draft minutes be posted online for the convenience of the public.
- Mr. Anderer withdrew his complaint regarding the posting of information regarding the CAC vacancies online. Mr. Anderer discovered that the Board of Supervisors and 311 maintains the CAC's vacancy information on their websites.

On January 6, 2016, the Sunshine Ordinance Task Force reviewed and adopted the recommendation of the Complaint Committee.

#### FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Committee finds that there were violations of Administrative Code (Sunshine Ordinance), Section 67.7.

#### DECISION AND ORDER OF DETERMINATION

The Sunshine Ordinance Task Force adopted the Complaint Committee's recommendation and found that John Gavin and the Office of the City Administrator violated Administrative Code (Sunshine Ordinance), Section 67.7, by failing to post the Citizen's Advisory Committee for Central Market and Tenderloin Area's October 1, 2015, agenda.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on January 6, 2016, by the following vote:

**The motion PASSED by the following vote:**

Ayes: 9 - Rumold, Eldon, Wolf, Pilpel, Haines, Fischer, Hinze, Hyland, Washburn

Noes: 0 - None

Absent: 1 - Chopra

A handwritten signature in blue ink that reads "Allyson M. Washburn". The signature is written in a cursive style and is centered on the page.

Allyson Washburn, Chair  
Sunshine Ordinance Task Force

- c. Jerry Threet, Deputy City Attorney  
Mike Anderer, Complainant  
John Gavin, Office of the City Administrator  
Naomi Kelly, City Administrator