



**SUNSHINE ORDINANCE TASK FORCE
Compliance and Amendments Committee
CITY AND COUNTY OF SAN FRANCISCO
MINUTES**

**Hearing Room 408
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

November 20, 2012 – 4:00 P.M.

Regular Meeting

Members: Allyson Washburn (Chair),
Richard Knee, Kitt Grant

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES

The meeting was called to order at 4:22 p.m. Member Grant was noted absent.

Member Knee, seconded by Chair Washburn, motioned to excuse Member Grant.

Speakers: Allen Grossman opposed the motion to excuse Member Grant; Ray Hartz, Jr., opposed the motion to excuse Member Grant.

The motion PASSED by the following vote:

Ayes: 2 - Knee, Washburn

Absent: 1 – Grant

2. Adoption of May 15, 2012, regular meeting minutes.

Member Knee, seconded by Chair Washburn, moved to CONTINUE the May 15, 2012 Minutes.

Speakers: None.

The motion PASSED by the following vote.

Ayes: 2 – Knee, Washburn

Excused: 1 - Grant

3. Reconsideration of **File No. 11008**: Hearing on complaint filed by William Clark against the Arts Commission regarding incomplete audio cassette tape of the January 12, 2011 Street Artists Program Committee meeting.

William Clark (Complainant) provided an update of the complaint and responded to questions raised throughout the discussion. There were no speakers in support of the Complainant. Howard Lazar, Program Director, Arts Commission (Respondent) provided an update and responded to questions raised throughout the discussion. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal.

Due to lack of a motion, Compliance and Amendments Committee had NO FURTHER RECOMMENDATIONS.

Speakers: Ray Hartz, Jr., expressed the Arts Commission is ultimately responsible for not providing audio and for the outstanding time it took to resolve the complaint.

4. **File No. 11068**: Hearing on complaint filed by Anonymous against the Planning Department for allegedly violating various sections of the Sunshine Ordinance.

Anonymous (Complainant) was not present to provide an update of the complaint and respond to questions. There were no speakers in support of the Complainant. Planning Department (Respondent) provided an update and responded to questions raised throughout the discussion. There were no speakers in support of the Respondent. A question and answer period followed.

The Respondent stated that all documents requested by Complainant were given to the Complainant. No further communication was made by Complainant.

Member Knee, seconded by Chair Washburn, moved to CONTINUE to the CALL OF THE CHAIR.

Speakers: None.

The motion PASSED by the following vote.

Ayes: 2 – Knee, Washburn

Excused: 1 - Grant

5. **File No. 11088**: Hearing on the status of Order of Determination of Ray Hartz against the Ethics Commission for failing to include his 150-word summary in the body of its meeting minutes.

Ray Hartz, Jr. (Complainant) provided an update of the complaint and responded to questions raised throughout the discussion. There were no speakers in support of the Complainant. The Respondent was not present to provide an update and respond to questions. There were no speakers in support of the Respondent. A question and answer period followed.

Respondent stated that the 150-word summary was eventually included in the body of the Ethics Commission meeting minutes.

Due to lack of a motion, Compliance and Amendments Committee had NO FURTHER RECOMMENDATIONS.

Speakers: Allen Grossman expressed concern regarding the absence of an Ethics Commission's representative and urged referring the matter back to the Task Force; Peter Warfield expressed the Task Force has broad powers to inform the public of the Sunshine Ordinance and find departments in violation of the Ordinance.

6. **File No. 12007:** Hearing on complaint filed by the Library Users Association against Supervisor Campos for allegedly responding late to an immediate disclosure request and redacting information from Bernal Heights Branch Library Mural related documents inappropriately.

Peter Warfield (Complainant) provided an update of the complaint and responded to questions raised throughout the discussion. There were no speakers in support of the Complainant. Stephanie Ashley, Office of Supervisor Campos (Respondent) provided an update and responded to questions raised throughout the discussion. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal.

Member Knee, seconded by Chair Washburn, moved to refer the matter to the Task Force with a recommendation that it be forwarded to the Ethics Commission and the Education, Outreach and Training Committee to develop procedures regarding fulfilling public records requests.

Speakers: Allen Grossman expressed the that matter be referred to the Board of Supervisors; Ray Hartz, Jr., expressed that Peter Warfield's constitutional rights were violated and supported the matter being referred to the Task Force.

The motion PASSED by the following vote.

Ayes: 2 – Knee, Washburn

Excused: 1 – Grant

RECESS

5:55 p.m. – 6:05 p.m.

7. ***File No. 12008:** Hearing on the status of Order of Determination of Allen Grossman against Scott Minty, Information Systems Administrator, City Attorney's Office for allegedly failing to respond to records request.

Allen Grossman (Complainant) provided an update of the complaint and responded to questions raised throughout the discussion. There were no speakers in support of the Complainant. Jack Song, Office of the City Attorney (Respondent) provided an update and responded to questions raised throughout the discussion. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal.

Member Knee, seconded by Chair Washburn, moved to refer the matter to the Task Force with a recommendation that it be forwarded to the Ethics Commission for willful failure to meet request and Order of Determination.

Speakers: None.

The motion PASSED by the following vote.

Ayes: 2 – Knee, Washburn

Excused: 1 – Grant

8. ***File No. 12009:** Hearing on the status of Order of Determination of Allen Grossman against Marisa Moret, Managing Attorney, City Attorney’s Office for allegedly failing to respond to records request.

Allen Grossman (Complainant) provided an update of the complaint and responded to questions raised throughout the discussion. There were no speakers in support of the Complainant. Jack Song, Office of the City Attorney (Respondent) provided an update and responded to questions raised throughout the discussion. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal.

Member Knee, seconded by Chair Washburn moved to refer the matter to the Task Force with a recommendation that it be forwarded to the Ethics Commission for willful failure to meet request and Order of Determination.

Speakers: None.

The motion PASSED by the following vote.

Ayes: 2 – Knee, Washburn

Excused: 1 – Grant

9. ***File No. 12010:** Hearing on the status of Order of Determination of Allen Grossman against Susana Martinez, Chief Financial Officer, City Attorney’s Office for allegedly failing to respond to records request.

Allen Grossman (Complainant) provided an update of the complaint and responded to questions raised throughout the discussion. There were no speakers in support of the Complainant. Jack Song, Office of the City Attorney (Respondent) provided an update and responded to questions raised throughout the discussion. There were no speakers in support of the Respondent. A question and answer period followed. Respondent provided a rebuttal. Complainant provided a rebuttal.

Member Knee, seconded by Chair Washburn, moved to refer the matter to the Task Force with a recommendation that it be forwarded to the Ethics Commission for willful failure to meet request and Order of Determination.

Speakers: None.

The motion PASSED by the following vote.

Ayes: 2 – Knee, Washburn

Excused: 1 – Grant

10. **Public Comment.** Members of the public may address the Compliance and Amendments Committee on matters that are within Sunshine Ordinance Task Force’s jurisdiction but not on today’s agenda.

Speakers: Peter Warfield expressed that the Chair listen to the audio of Compliance and Amendments Committee and expressed concern regarding the Sunshine Ordinance Task Force’s Attorney’s budgeted time to attend the meetings; Ray Hartz, Jr., stated that he would go before the Board of Supervisors in January with Order of Determinations to highlight citywide agency violations of the Ordinance.

11. **Administrator’s Report.**

The Administrator presented the report.

Speakers: None.

12. **Announcements, Comments, Questions, and Future Agenda Items.**

Member Knee shared that the Society of Professional Journalist will hold its Madison awards. Chair Washburn shared that the Ethics Commission will vote on the latest regulations governing the handling of complaints of violations of Sunshine Ordinance or referrals from Sunshine Ordinance Task Force.

13. **ADJOURNMENT**

Member Knee, seconded by Chair Washburn, moved to ADJOURN.

There were no speakers. **The motion PASSED without objection.**

There being no further business, the Compliance and Amendments Committee adjourned at the hour of 6:45 p.m.

APPROVED: April 16, 2013



Andrea Ausberry, Administrator
Sunshine Ordinance Task Force

Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these document, please contact SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at:
<http://www.sfbos.org/index.aspx?page=9811>

For information concerning Sunshine Ordinance Task Force please contact by e-mail sof@sfgov.org or by calling (415) 554-7724.

Public Comment

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the subject of the meeting or hearing;. These comments will be made a part of the official public record.

Hearing Procedures

- | | | |
|----|--|----------------------|
| 1. | Complainant presents his/her facts and evidence | 5 minutes |
| | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds | 5 minutes |
| | Other parties of City respond | Up to 3 minutes each |
| | <i>Above total speaking times for Complainant and City to be the same.</i> | |
| 3. | Matter is with the Task Force for discussion and questions. | |
| 4. | Respondent and Complainant presents clarification/rebuttal | 3 minutes |
| 5. | Matter is with the Task Force for motion and deliberation. | |
| 6. | Public comment (Excluding Complainant & City response, witnesses) | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) | |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

Disability Access

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and

71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton b. Goodlett Place, Room 244, San Francisco, CA 94102; phone at (415) 554-7724; fax at (415) 554-7854; or by email at sotf@sfgov.org.

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 37 of the San Francisco Administrative Code on the Internet , at <http://www.sfbos.org/sunshine>.

Cell Phones, Pagers and Similar Sound-Producing Electronic Devices

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site www.sfgov.org/ethics.