

Date: January 13, 2009

Item No. 1

File No. \_\_\_\_\_

**SUNSHINE ORDINANCE TASK FORCE  
COMPLAINT COMMITTEE  
AGENDA PACKET CONTENTS LIST\***

- Draft Minutes: Complaint December 9, 2008**
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Completed by: Chris Rustom

Date: January 9, 2009

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



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**SUNSHINE ORDINANCE TASK FORCE  
COMPLAINT COMMITTEE  
DRAFT MINUTES**

Tuesday, December 9, 2008  
3:30 p.m., City Hall, Room 406

**Committee Members:** Nick Goldman (Chair), Doyle Johnson, James Knoebber  
**Call to Order:** 3:32 p.m.  
**Roll Call:** Present: Goldman, Johnson, Knoebber  
**Agenda Changes:** None  
**Deputy City Attorney:** Ernest Llorente  
**Clerk:** Chris Rustom

1. Approval of minutes of November 12, 2008.

Motion approving minutes of November 12, 2008. ( Johnson / Knoebber )

Public Comment: None

On the motion:

Ayes: Goldman, Johnson, Knoebber

2. 08051 Determination of jurisdiction and pre-hearing conference on complaint filed by Paul Horcher against the Planning Department for wrongful withholding of non-exempt file.

Complainant Paul Horcher said he asked to see all relevant documents related to an address on Geary Street in July. He was given access to the file but noticed that it was very thin. Also missing were the complaints. He noticed that because three years ago the same parties were involved in the same procedure over the same issues. False testimony was given, he said, and there wasn't any documentation in the file to support it. He said he went back to the Planning Department in November and found the file to be still lacking.

Respondent Rachna Rachna of the Planning Department said she is the enforcement planner in the case. She said Mr Horcher came to the department on July 23, 2008, and was provided with the planning enforcement file as it existed at the time. The file did not have the complaints from the neighbors at

the time but was placed in the file later and made available when Mr Horcher returned on November 10, 2008. On the number of files, she said the second file did not exist at the time Mr Horcher visited the department in July. That file contained documents Mr. Horcher had submitted in support of his appeal. She also said that the volume of the file had increased over a four-month period that started in July. She added that she and her department work with the public daily and there was no reason to hide a file's contents.

Motion to find jurisdiction. ( Knoebber / Johnson )

Public Comment: None

On the motion:

Ayes: Johnson, Knoebber, Goldman

3. 08052 Determination of jurisdiction and pre-hearing conference on complaint filed by Mr. Alvin against the Arts Commission for not releasing requested information.

Complainant Mr. Alvin said an information request was made to Luis Cancel of the Arts Commission and he did not respond. Mr. Alvin then made a second request through Supervisor Mirkarimi's office. Mr. Alvin said he wanted to know the formula used in allocating tax money to arts groups. The commission said in response that they do not have a formula. That response, he said, does not match the information he received from the Controller's Office. He insisted that there was a complex formula that was being used. The office, he also said, did not dispute him nor answer his query on black men and employed by the commission over a period of five years. He said he's making the assertion that it is not coincidental that when he walks into an arts group he sees only one black male or one black female. He said the commission does track race and gender.

Motion to find jurisdiction. ( Johnson / Knoebber)

Public Comment: None

On the motion:

Ayes: Johnson, Knoebber, Goldman,

4. Administrator's Report.

Mr. Rustom made the report.

5. Public comment for items not listed on the agenda

Public Comment: None

6. Announcements, comments, questions, and future agenda items from Committee members.

None

## Adjournment

**The meeting adjourned at 3:55 p.m.**

This meeting has been audio recorded and is on file in the office of the Sunshine Ordinance Task Force