

Date: Feb. 8, 2011

Item No. 1

File No. _____

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

- Draft Minutes: - December 14, 2010**
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Completed by: Chris Rustom

Date: Feb 1, 2011

***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 14, 2010
3:30 p.m., City Hall, Room 406

Committee Members: James Knoebber (Chair), Richard Knee, Allyson Washburn
Call to Order: 3:30 p.m.
Roll Call: Present: Knoebber, Knee, Washburn
Agenda Changes: Items 3 & 6 are withdrawn
Deputy City Attorney: Jerry Threet (not present)
Clerk: Chris Rustom

1. Approval of November 9, 2010, regular meeting minutes.

Motion to approve November 9, 2010, regular meeting minutes (Knee / Washburn)

Public Comment: None.

On the motion:

Ayes: Knee, Washburn, Knoebber

2. 10057 Determination of jurisdiction on complaint filed by Rita O'Flynn against the Controller's Whistleblower Program for allegedly failing to release records related to a closed case.

Respondent Tonia Lediju, Director of Audits in the Controller's Office, said the documents requested fall outside of the jurisdiction of the Task Force because the court mandates that the Whistleblower program protect that person's identity and any other information that could lead to identifying that person and other people who were interviewed as part of the investigation. She said releasing the information opens the City to criminal and civil liability. She said the Task Force also lacks jurisdiction because the Charter and the California Public Records Act state that whistleblower information be kept confidential.

Complainant Rita O'Flynn said she is the whistleblower and the complaint stems from several Tenderloin Housing Clinic audit reports. She said the non-profit

failed to issue audits within the allotted time period and also did not report certain transactions. She said the City needs to remedy the situation and that public interest overrides the need for confidentiality. She said it was not acceptable to her that the City Attorney's Office and the Department of Human Services investigated the issues and found no violations.

Members discussed the issue and voiced their support for jurisdiction.

Motion to find jurisdiction (Knee / Washburn)

Public Comment: None

On the motion:

Ayes: Knee, Washburn, Knoebber

Motion passes.

3. 10058 Determination of jurisdiction on complaint filed by Sean McGuire against the San Francisco Unified School District for allegedly refusing to produce a copy of a contract mentioned in a board agenda.

Withdrawn.

4. 10060 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to notice a meeting, denying access, and failing to allow for public comment.

Complainant Charles Pitts said the Local Homeless Coordinating Board representative held a gathering at its offices at 88 Otis Street. He said the agenda was not posted and public comment session was not included. He said he was also prevented from attending the meeting.

Alison Schlageter of the Human Services Agency said the gathering was not a meeting of the LHCB or of its committee. She said the flier and agenda did not have the LHCB letterhead and none of the LHCB members attended. She said she was gathering information to help write a grant for the City and the two questions she had were on the reverse side of the agenda..

Mr. Pitts later claimed that Ms. Schlageter did not ask him to leave but instead jabbed him in the ribs and told him to get out. Ms. Schlageter denied the claim and said there wasn't any physical contact.

Motion to forward matter to the Task Force without a recommendation (Knoebber / Knee)

Public Comment: None

On the motion:

Ayes: Knee, Knoebber.

Noes: Washburn

Motion passes.

5. 10061 Determination of jurisdiction on complaint filed by William & Robert Clark against the City Attorney's Office for charging the Arts Commission a fee to disclose public document requests.

William Clark said the Arts Commission's 2009-2010 budget does not have any monies allocated as payment to the City Attorney's Office, but emails show that the Commission was going to pay the CAO \$2,516.75 for Sunshine disclosures. That amount, he said, is recovered by the Commission by increasing the street artist permit fee. He also said the Sunshine Ordinance also says that the CAO cannot act as legal counsel to City departments and agencies when it comes to public documents.

Jack Song of the CAO said his office provides overall legal advice to the Commission and clients are charged accordingly. The charge to the Commission is not for public records requests, he said.

Motion to find no jurisdiction (Knee / Washburn)

Public Comment: None

On the motion:
Ayes: Knee, Washburn
Noes: Knoebber

Motion passes.

6. 10062 Determination of jurisdiction on complaint filed by Tomas Picarello against the North of Market/Tenderloin Community Benefit District for allegedly violating various sections of the Sunshine Ordinance.

Withdrawn.

7. Administrator's Report.

Mr. Rustom made the report.

8. Public comment for items not listed on the agenda: None.

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

None.

Adjournment

The meeting adjourned at 3:48 p.m.

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