

Date: June 14, 2011

Item No. 3

File No. 11038

SUNSHINE ORDINANCE TASK FORCE
COMPLAINT COMMITTEE
AGENDA PACKET CONTENTS LIST*

- Anonymous against the Taxi Advisory Council**
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Completed by: Chris Rustom

Date: June 9, 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.



DENNIS J. HERRERA
City Attorney

JERRY THREET
Deputy City Attorney

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MEMORANDUM

TO: Sunshine Ordinance Task Force
FROM: Jerry Threet
Deputy City Attorney
DATE: June 9, 2011
RE: *Complaint 11038: Anonymous v. TAC*

Background

The anonymous Complainant ("Complainant") alleges that, on April 25, 2011, the Taxi Advisory Council ("TAC") violated the public meetings laws by considering and passing a motion that was not on the published agenda for the meeting.

Complaint

On May 9, 2011, Complainant filed this complaint against TAC, without specifying which specific provision(s) of the public meetings laws were violated.

Discussion and Analysis of Jurisdiction

TAC is a body created by the Municipal Transportation Agency ("MTA"), as directed by section 1116(k)(1) of the San Francisco Transportation Code. Section 67.3(d)(4) defines a "policy body" to include a "body [] created by the initiative of a policy body". The MTA is a policy body and created TAC. TAC therefore constitutes a "policy body" under the Ordinance, which must comply with requirements for public meetings provided therein. The Task Force therefore appears to have jurisdiction to adjudicate this complaint.



<complaints@sfgov.org>
05/09/2011 12:15 PM

To <soft@sfgov.org>
cc
bcc

Subject Sunshine Complaint

To:soft@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:SFMTA Taxi Advisory Council

CONTACTED:

PUBLIC_RECORDS_VIOLATION:No

PUBLIC_MEETING_VIOLATION:Yes

MEETING_DATE:April 25, 2011

SECTIONS_VIOLATED:Public review of discussion violated.

DESCRIPTION:On April 25, 2011, the Taxi Advisory Council passed a motion to recommend in favor of the Medallion Sales Pilot Program, which it is supposedly researching, WITHOUT allowing completion of public discussion of many important issues regarding the effect of the program on the work force, the drivers themselves. The motion was not on the agenda. I think it was never part of any agenda. The MTA representative actively recommended it was all right for the motion to be considered. This motion was the result of a "filibuster" on the part of only two members of the Council, Carl Macmurdo and Dan Hines, who over a three-meeting period quite effectively blocked discussion of any issues other than the recommendation they wanted passed. These two Members took turns presenting the motion and seconding each other. I believe it is quite fair to say that they wasted five full hours of meeting time over the three meetings in question. There still exists several lists of items for discussion, approximately 30 in number, none of which have been discussed as needed. Macmurdo is a PAID member of the Medallion Holders Association and I also believe an investigation should be made into whether he is violating Lobbying laws. PROPER discussion of these items could have led to an opposite resolution, hence the filibuster. Several members of the Council - on both sides of the issue - expressed disappointment that the two individuals were wasting so much time. As Holder of Medallion 43 I attended all of these meetings and witnessed the whole situation. The events around the passage of this motion are part of the general dissatisfaction that was expressed last Tuesday by the assembled drivers around City Hall and at the SFMTA Board Meeting, May 3, 2011. The Filibuster BLOCKED discussion and the motion CONFIRMS THE FINDING that the TAC is going to send to the SFMTA in its upcoming Report. I believe the entire proceeding violates the proper use of a public forum for the presentation of issues in a spirit of good will as part of civil political process, and thus violates one of the express purposes of the Sunshine Ordinance. There is now NO political process, as the finding and recommendation of the Council ARE PURPOSEFULLY ALREADY DETERMINED IN ADVANCE. After the motion was passed, the Member in charge of presenting "Effects on Drivers" of the proposed Code changes expressed extreme concern that the issues were now settled in advance of discussion. "Why am I even here," asked Barry Korengold, Member, and head of the Cab Drivers' Association. I also believe that it was a strident violation of proper public involvement of concerned and otherwise honored concerned members of the public that the United Taxicab Workers are not represented on the Council. THE PEOPLE'S BUSINESS HAS BEEN PREVENTED FROM BEING CONDUCTED BEFORE THE PUBLIC.

HEARING:Yes
PRE-HEARING:Yes
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CONFIDENTIALITY_REQUESTED:Yes