

Date: July 14, 2009

Item No. 1

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

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

- Draft Minutes: Complaint Committee on June 9, 2009**
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Completed by: Chris Rustom

Date: July 5, 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.

Sunshine Ordinance Task Force



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<http://www.sfgov.org/sunshine/>

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

Tuesday, June 9, 2009  
3:30 p.m., City Hall, Room 406

**Committee Members:** Nick Goldman (Chair), Doyle Johnson, James Knoebber  
**Call to Order:** 3:30 p.m.  
**Roll Call:** Present: Goldman, Knoebber, Johnson  
**Agenda Changes:** None  
**Deputy City Attorney:** Ernie Llorente  
**Clerk:** Chris Rustom

1. Approval of minutes of May 12, 2009, regular meeting.  
Motion approving minutes of March 10, 2009. ( Knoebber / Johnson )  
Public Comment: None  
On the motion:  
Ayes: Johnson, Knoebber, Goldman
2. 09020 Determination of jurisdiction on complaint filed by Paul Weston against the Department of Human Services for withholding information.

Complainant Paul Weston said the Jurisdictional Letter was inaccurate and biased against him. He said the email exchanges he has submitted showed that Pamela Tebo did not request a day or two of more time on May 11, 2009. He said he requested a Statement of Service and Invoice for MSC South and 150 Otis. When he went to pick up the two-page document on May 13, he only received one. He only received the second page on May 14, two days after the IDR deadline passed. He said he had also asked for applications and resumes of employees of the St. Vincent de Paul Society. Pamela Tebo told him that she did not have access to personnel files. Diane Christensen, Custodian of Records, corroborated Pamela Tebo's response in an email. He said Braun vs Taft showed that limited information in a personnel file is undisclosable.

Respondent Diane Christensen said Mr. Weston made his request after 6 p.m.

on May 10 and was given the document on the 12th. Mr. Weston on May 13 identified the missing document it was provided on May 14. She requested that the case be dismissed.

Motion to find jurisdiction. (Knoebber / Johnson)

Public Comment: Charles Pitts said the Task Force has jurisdiction based on DCA Llorente's letter to the Complaint Committee. He added that Admin Code Chapter 12L says that the matter should have been handled by the Human Services Department.

On the motion:

Ayes: Johnson, Knoebber, Goldman

3. 09026 Determination of jurisdiction on complaint filed by Hanna Leung & Lydia Fong against the Department of Human Services for withholding information.

Co-complainant Hanna Leung said she and Lydia Fong filed for an RFP with the Human Services Agency for Real Estate Services at the end of 2008 and were notified in March 2009 that they were not selected. Keynote Properties was selected for the services, she said. They requested and received scoring sheets after they made a Sunshine request to Dave Curtle of the Dept. of Contracts. She then made an itemized list of documents related to the contract. None was provided. An email from Mr. Curtle said the documents were not subject to production at the time because the contract had not been awarded. On June 8, 2009, she said she received a fax that said the committee was meeting July 1, 2009. She said if that was the case she would like a new hearing date.

Pamela Tebo of the Human Services said Mr. Curtle had a conflict on his calendar but asked her to say that the department did not contest jurisdiction.

Motion to find jurisdiction. (Knoebber / Johnson)

Public Comment: None.

On the motion:

Ayes: Johnson, Knoebber, Goldman

4. 09027 Determination of jurisdiction on complaint filed by Alvin Xex against the Office of Economic and Workforce Development for withholding information.

Continued to July 14, 2009

5. 09028 Determination of jurisdiction on complaint filed by Alvin Xex against the Department of Human Services for withholding information

Continued to July 14, 2009

6. Administrator's Report

Mr. Rustom made the report.

Public Comment: None

7. Public comment for items not listed on the agenda.

Public Comment: Ray Hartz said the Sunshine Ordinance Task Force did not follow its By-Laws by sending the #08056 Ray Hartz v Police Department Order of Determination and the #09008 Ray Hartz v Police Commission Order of Determination to the Education, Outreach and Training Committee rather than the Compliance and Amendments Committee. He said he was monitoring the committees' minutes and has found that no action has been taken and does not know why. He wanted to know if he should go to the Ethics Commission and file a complaint against the Task Force. He also said he has made several inquiries through the website and has not received any response.

DCA Llorente provided an update on steps reached since the Orders were issued. He suggested that the concerns be voiced to the full Task Force on June 23.

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

Member Knoebber made a request to be excused from the August 11, 2009, Complaint Committee meeting.

DCA Llorente suggested and Chair Knee agreed to wait till a few minutes past 4:00 p.m. to hear additional public comment because the website erroneously stated that the meeting would start at that time.

**Adjournment**

**The meeting adjourned at 4:02 p.m.**

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