

Date: Nov. 12, 2008

Item No. 1

File No. _____

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

- Draft Minutes: Complaint October 12, 2008**
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Completed by: Chris Rustom

Date: Nov. 6, 2008

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

**Tuesday, October 14, 2008
4:00 p.m., City Hall, Room 406**

Committee Members: Nick Goldman (Chair); James Knoebber, Doyle Johnson

Call to Order: 4:02 p.m.

Roll Call: **Present:** Goldman, Johnson
Absent: Knoebber

Agenda Changes: None

Deputy City Attorney: Ernest Llorente
Clerk: Chris Rustom

1. Approval of minutes of September 9, 2008.

Motion approving minutes of September 9, 2008. (Johnson / Goldman)

Public Comment: None

On the motion:
Ayes: Goldman, Johnson
Absent: Knoebber

2. 08045 Determination of jurisdiction on complaint filed by Barry Taranto against the Municipal Transportation Authority for failure to provide an equal amount of speaking time during a public comment session.

Complainant was not present.

Respondent Roberta Boomer of the MTA said the violation occurred and the department had taken steps to be able to avoid such an occurrence in the future.

Case was tabled to the end of the meeting in case the complainant arrived late.

The case was continued to the next meeting.

3. 08046 Determination of jurisdiction of complaint filed by Karl Beal against the Recreation and Park Department and the Public Library for incomplete meeting information.

Complainant Karl Beal said he was a resident of the North Beach area and had filed a two-part complaint. The first was against the Library and the Rec & Park Department for failure to provide adequate information on the North Beach Master Plan, which included the closure of Mason Street. If the closure was properly disclosed, he said, the meetings would have taken a different tone because the closure would create problems in the neighborhood. His second complaint was against the Rec & Park Department for not posting additional information on the website. He said he was withdrawing the second complaint because the jurisdictional letter from the City Attorney's Office mentioned that the department was not obligated to post additional information because it was not a policy body.

Respondents Karen Mauney-Brodek of the Rec & Park Department and Sue Blackman of the Library Commission appeared before the committee. Ms. Mauney-Brodek said the Task Force does not have jurisdiction over the complaint as stated in a letter sent to the committee. But, she added, the meetings were well attended and that was proof that area residents knew what was happening in their neighborhood. The Library as well as the Rec & Park Department followed all Brown Act and Sunshine laws when posting the notices, she said. Sue Blackman said the meetings were not about the closure of Mason Street but a discussion on options available in making full use of the property in building the branch library. Ms Blackman also said all laws were followed.

In rebuttal, Mr Beal said a letter written by Rec & Park Department Director Yomi Agunbiade mentioned that the two departments saw the closure of Mason Street as a critical component of the plan. If the closure was being considered, it should be brought to the public's attention, he said.

Julienne Christensen said she was a resident of North Beach and had been involved in the project for close to 10 years. Joe DiMaggio Playground, she explained, was a square plot of land in North Beach. The city by eminent domain had taken over a triangular shaped parking lot that was separated by Mason Street. The project was unusual because it involves the building of a new library and the renovation of the playground. When Rec and Park buys a plot of land cross a park the issue of what happens to the street becomes an issue, she said. The plan for the first meeting was not to focus on the street but what happened was the issue came up and became an important part of the discussions that it had to be mentioned the succeeding notices. The Library was the lead department and Rec & Part took care of the noticing. She said every neighborhood organization was informed and that she also wrote articles about the playground and library in three local publications. The result of the meeting was not to Mr Beal's liking but the process was not flawed, she said.

Motion to find jurisdiction (Johnson / Goldman)

Public Comment: None

On the motion:
Ayes: Goldman, Johnson
Absent: Knoebber

- 4 08049 Determination of jurisdiction of complaint filed by John Caldera against the Veterans Affairs Commission for alleged failure to provide requested records.

Complainant John Caldera said he was a first generation Latino-American, born in California and a 22-year resident of San Francisco. He was also an executive Director of Veterans for Peace Chapter 69, Post 315 of the American Legion and member of the Veterans Affairs Commission. He said the commission needs oversight as it is in violation of its own by-laws. He said Wallace Levin had held control of the commission for a length of time and has never held public meetings on issues affecting veterans such as counting the population of homeless veterans in San Francisco, the issues behind high suicide rates among veterans and has never appointed open lesbians and Latinas to the commission.

Respondent Wallace Levin said the commission is only an advisory body to the Mayor and Board of Supervisors and during its 25-year history it has never received any funding from the city and county of San Francisco or any other source. Because the commission does not have a budget, it does not have any money to disperse and does not have any financial report to produce. He said he has explained the situation to Commissioner Caldera many times at commission meetings. The Controller, he said, has also checked the budget and has not found the commission being listed to receive funding. Commissioner Caldera could have also checked the budget personally while working in Supervisor Mirkarimi's office, he added.

In rebuttal, Commissioner Caldera said he did not work for the supervisor but volunteered occasionally. He said Commissioner Renie Champagne said in December last year that the commission spent all but \$45.00. Commissioner Caldera said Commissioner Levine had announced on Memorial Day at the Presidio that the commission had received \$15,000 from the city and \$10,000 from private funding. He said he wants to know how monies from the Grants of the Arts was being spent on events such as the Veterans Day Parade and the Memorial Day Parade. He wanted to know how the money was being funneled to the commission.

Public Comment: Robert Barney, aide to the Secretary of the Army and vice-president of the commission, said the city of San Francisco owes Commissioner Levine and Commissioner Champagne a gratitude of thanks. The two volunteer to organize and conduct for the Mayor of the City the Memorial Day program and Veterans Day Parade. Although they may report to members of the commission on event updates, they don't do it as members of the commission because it is not within the jurisdiction of the commission. And, he said, there was no answer to Commissioner Caldera's question within the commission.

Chair Goldman noted that if a record does not exist it could not be produced and a department does not have to create a record if one does not exist.

DCA Llorente suggested the complainant ask Mr Levine or Mr Champagne to refer him to the agency that did the funding.

No action taken (Goldman / Johnson)

Public Comment: None.

On the motion:

Ayes: Goldman, Johnson

Absent: Knoebber

5. Discussion on moving up Complaint Committee meeting time from 4 p.m. to 3:30 p.m. the same day.

Members said they had no issues with the new time and agreed to the change.

Motion to change Complaint Committee meeting time from 4:00 p.m. on the second Tuesday of every month to 3:30 p.m. on the second Tuesday of every month. (Goldman / Johnson)

Public Comment: None.

On the motion:

Ayes: Goldman, Johnson

Absent: Knoebber

6. Administrator's Report.

The Administrator made the report.

Public Comment: None

7. Public comment for items not listed on the agenda

Public Comment: None

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

Speakers: None

Public Comment: None

Adjournment **The meeting adjourned at 4:33 p.m.**

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