

Date: July 13, 2010

Item No. 1

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

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*

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Completed by: Chris Rustom

Date: July 8, 2010

**\*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  
COMPLIANCE AND AMENDMENTS COMMITTEE  
DRAFT MEETING MINUTES  
Tuesday, February 9, 2010.  
4:00 p.m., City Hall, Room 406**

**Committee Members:** Erica Craven-Green (Chair), Richard Knee, Allyson Washburn, Doyle Johnson, Nick Goldman

**Call to Order:** 4:00 p.m.

**Roll Call:** Present: Craven-Green, Knee, Washburn, Johnson, Goldman

**Deputy City Attorney:** Jerry Threet  
**Clerk:** Chris Rustom

**Agenda Changes:** None

1. Approval of January 12, 2010, meeting minutes.

Motion to approve January 12, 2010, meeting minutes. ( Goldman / Washburn )

Public Comment: None

On the motion:

Ayes: Knee, Washburn, Johnson, Goldman, Craven-Green

2. 09070 Hearing on the status of the December 1, 2009, Order of Determination of Anmarie Mabbutt against the Department of Recreation and Park.

The Complainant was not present. There was nobody in the audience to present facts and evidence in support of the complainant.

Respondent Olive Gong, Custodian for the Recreation and Park Department, said the department has provided 43 pages of emails regarding Terry Schwartz. On the posting of audio on line, she said Ron Vinson, the director of the Department of Technology, has said that he is working with staff to implement it this fiscal year.

After further discussion, Chair Craven-Green asked Ms. Gong to inquire when Dr. Schwartz's started working for the department and when it ended. She also asked Ms. Gong to inquire the parameters used in searching for the email Ms Mabbutt claimed that the department had not produced. Chair Craven-Green also said Ms.

Mabbutt would be asked to produce the email that she says exists

Public Comment: Melvyn Banks said the data should be recoverable from the department's backup server.

Ms. Gong did not make any closing remarks.

Matter continued to March 9, 2010, meeting. Without objection.

3. 09069 Hearing on the status of the December 1, 2009, and January 5, 2010, Orders of Determination of Asian Law Caucus against the Mayor's Office.

The Complainant was not present. There was nobody in the audience to present facts and evidence in support of the complainant.

The Respondent was not present. There was nobody in the audience to present facts and evidence in support of the complainant.

A motion was made after members discussed how to proceed with the matter.

Motion to send matter back to the full Task Force for possible referral to the Ethics Commission with a finding of willful failure to comply with the Order of Determination and willful failure to comply with the requirement to appear at the hearings and willful failure to provide justification for withholding under Sec(s) 67.34 and 67.30 ( c ). ( Johnson / Goldman )

Member Knee wanted to make a friendly motion to include Sec(s) 67.21 e and 67.27.

The friendly motion was accepted.

Public Comment: None

On the motion:

Ayes: Knee, Washburn, Johnson, Goldman, Craven-Green

A Point of Order was called after #4 because of the complainant's presence in the audience. Chair Craven-Green told Angela Chan of the Asian Law Caucus of the Committee's decision.

4. 09082 Hearing on the status of the January 5, 2010, Order of Determination of Melvyn Banks against the Department of Public Health.

Complainant Melvyn Banks wanted to know why his other case #09077 was sent to the Education, Outreach and Training Committee when the minutes show that the motion was to send it to this committee. In this case, he said he has received some information from the department but wanted more information to know the reasons behind the Local Share Mandate Policy.

The Respondent was not present. There was nobody in the audience to present facts and evidence in support of the complainant.

Member Washburn said the department had produced something but there was a lack of assistance on the department's part in trying to help Mr. Banks get what he wants.

After further discussion Mr. Banks was told that he needed to make a broad request to get the information he needed.

Mr. Banks agreed.

On the issue of #09077, Member Knee, who is the chair of the Task Force, said that case was about an open meeting violation and was best dealt with by the Education, Outreach and Training Committee. This case, he said, was about documents and best handled by this committee.

Matter concluded.

5. 09078 Hearing on the status of the January 5, 2010, Order of Determination of Anonymous Tenants against the Planning Department.

Complainant Anonymous Tenants said he has not received anything from the Planning Department and requested that the matter be forwarded to the Ethics Commission because the respondent was willfully violating the law.

Respondent Brian Smith, senior Information Technology and Operations Manager of the Planning Department, said the complainants had requested documentation regarding a Hyde Street property. All related materials, he said, were placed in a box ready for the complainant's review and for two weeks nobody came. He also said there was an email exchange with Anonymous Tenants regarding photos and 3R reports, which did not exist in this case. He said Anonymous Tenants was informed that the photos and 3R reports did not exist but was encouraged to come and review the documents personally.

Members then asked the complainant and respondent to verify the existence or non-existence of photos.

In closing, Anonymous Tenants said Mr. Smith was only saying what the Committee wanted to hear.

Public Comment: Ellen Tsang said she and the complainant went to the department and spent hours looking at the materials. She said they were denied information that had to be part of the file before a building permit is issued.

Motion to continue the matter to the next regularly scheduled meeting and for the department to provide the process involved in issuing a permit. ( Knee / Johnson )

Chair Craven-Green said no further action should be taken because there was a lack of proof on both sides to show whether the docket did or did not contain photos. The department's cataloguing process, she said, was not a matter of the Task Force.

Member Knee said he agreed with Chair Craven-Green. He said there was nothing that this committee or the Task Force could do in this case.

Motion to find no further action. Without objection.

6. 09083 Hearing on the status of the January 5, 2010, Order of Determination of Ellen Tsang against the Department of Building Inspection.

Complainant Ellen Tsang said the Department of Building Inspection has provided her with the document she requested.

Respondent William Strawn of the Department of Building Inspection said the document, together with several other files, were at the vendor for digitization and an exception had to be made to meet the Order of Determination. He also said the department has a multi-year budget to digitalize all of its records.

Member Knee said the Order of Determination has been met and no further action was necessary.

In closing, Ms. Tsang said Mr. Strawn needs to concentrate on one document and not muddle the scene by bring in other issues.

Public Comment: None

Chair Craven-Green announced that the matter is concluded.

7. 09085 Hearing on the status of the January 5, 2010, Order of Determination of Mike Addario against the Arts Commission.

Complainant Mike Addario said he had asked the Arts Commission for the Street Artists Program's yearend statement and was given some numbers by the respondent Howard Lazar. Mr. Lazar, however, could not back up the numbers, he said. The program's budget committee has voted on an increase in the next financial budget to cover costs associated with responding to document requests through the City Attorney's Office, he said.

The Respondent was not present. There was nobody in the audience to present facts and evidence in support of the complainant.

Member Knee wanted to know if the Arts Commission had provided what he wanted. Mr. Addario said his issue was a document that appeared to have been doctored, but that all documents had been provided.

Chair Craven-Green said she was concerned by the Street Artists Program charging members to pay for public record requests. The Ordinance, she said, requires every City and County employee to respond to public record requests. She requested that the Task Force chair refer the matter to the Education, Outreach and Training Committee.

Member Knee shared her concern and agreed to forward it to the Education, Outreach and Training Committee.

Public Comment: None

In closing, Mr. Addario said the Arts Commission certainly needs the training.

No further action.

- 8. Developing recommendations for the proposed electronic document retention policy of the Sunshine Ordinance Task Force and possible presentation from COIT on status of conversion of City email systems to Microsoft Exchange.

Richard Robinson, Chief Operations Officer for the Department of Technology made the report.

- 9. Discussion on the proposed amendments to the Sunshine Ordinance: Article II, including but not limited to Sections 67.3 and 67.4, definitions of meetings of policy bodies and passive bodies.

Members discusses the changes and continued the matter to next month.

- 10. Administrator's Report.

Mr. Rustom made the report

- 11. Public Comment on items not listed on the agenda. None

- 12. Announcements, questions, and future agenda items from Committee members.:  
None

**Adjournment**

**The meeting adjourned at 5:10 p.m.**

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