

Date: August 10, 2010

Item No. 3  
File No. \_\_\_\_\_

**SUNSHINE ORDINANCE TASK FORCE**  
**Compliance and Amendments Committee**  
**AGENDA PACKET CONTENTS LIST\***

- Draft Minutes: Compliance and Amendments July 13, 2010**
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Completed by: Chris Rustom

Date: August 4, 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, July 13, 2010  
4:00 p.m., City Hall, Room 406**

**Committee Members:** Allyson Washburn (Chair), Nick Goldman, Richard Knee, David Snyder, Bruce Wolfe

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

**Roll Call:** Present: Washburn, Knee, Snyder  
Excused: Goldman, Wolfe

**Deputy City Attorney:** Jerry Threet (not present)  
**Clerk:** Chris Rustom

**Agenda Changes:** Item 9 heard before Item 7.

1. Approval of February 9, 2010, meeting minutes.  
Motion to approve February 9, 2010, meeting minutes ( Knee / Snyder )  
Public Comment: None  
On the motion:  
Ayes: Knee, Snyder, Washburn
2. Approval of March 3, 2010, meeting minutes.  
Motion to continue to next regular meeting. Without objection.
3. Approval of March 9, 2010, meeting minutes.  
Motion to continue to next regular meeting. Without objection.
4. 10018 Hearing on the status of the June 22, 2010, Order of Determination in Svetlana Ptashnaya v the Dept. of Adult and Aging Services.  
Complaint Svetlana Ptashnaya said she asked the Adult and Aging Services Department for the result of an investigation based on her complaint against Adult Protective Services employee Ethelbert Ogbuehi. She said the department informed

her that it had taken the necessary steps but because its investigations were confidential under State law the results could not be disclosed.

Cindy Rassmussen, Supervisor of Adult Protective Services, said all documents that can be released have been provided and that she had nothing more to add.

Member Snyder wanted to know if Ms. Rassmussen meant to say that all reports regarding the investigation into Mr. Ogbuehi had been released. Ms Rassmussen said APS records are confidential and protected by the Welfare and Institutions Code and cannot be released. Pamela Tebo of the Human Services Agency said DAAS has provided all the documents that they could legally provide to Ms. Ptashnaya.

Member Knee asked Ms. Ptashnaya if she had received any new documents since the last hearing. Ms. Ptashnaya said she had not received anything new.

To Member Snyder, Ms. Rassmussen said there are records in the APS file but cannot be released because it is covered by State law.

Member Knee asked Ms. Rassmussen if the records contain information related to the Ogbuehi investigation. Ms. Rassmussen said she was not at liberty to discuss the case.

Member Knee said Ms. Ptashnaya was asking for information on the conduct of a City employee.

In closing, Ms. Rassmussen said all the information in the case file relates to the investigation of the abuse that was reported to Adult Protective Services. Ms. Ptashnaya said she was asking for information on an employee and not for information related to a welfare case. She said the outcome of the investigation must be provided to her.

Motion to refer matter back to the Task Force for possible referral to an enforcement agency such as the Ethics Commission, The State Attorney General, the District Attorney and/or the Board of Supervisors.( Knee / Snyder )

Member Snyder made a friendly motion to indicate that the department had only violated Sections 67.21(c) and 67.24(c)(7) and not Section 67.21(e) because the respondent attended the hearing. The maker of the motion agreed.

Motion to refer matter back to the Task Force for violation of Sections 67.21(c) and 67.24(c)(7) as well as possible referral to an enforcement agency such as the Ethics Commission, The State Attorney General, the District Attorney and/or the Board of Supervisors.( Knee / Snyder )

Public Comment: Kimo Crossman agreed with the Task Force on the motion. He said the department was not acting in good faith and that it did not understand the concept of redaction as well as the segregation of documents. He suggested sending the matter to the Ethics Commission for official misconduct. Ray Hartz said if he files a complaint against a City employee he has the right to ask and see the results if there was an investigation. The same applied to Ms. Ptashnaya, he said.

Putting the results in a welfare file and claiming privilege was inappropriate, he added. Finding the department in violation was appropriate, he said. Charles Pitts said something more needs to be done because although the Task Force has found the department in violation of the Ordinance, Ms. Ptashnaya still does not have the information she wants.

On the motion:

Ayes: Knee, Snyder, Washburn

5. 10022 Hearing on the status of the June 22, 2010, Order of Determination in Suzanne Dumont v the Recreation and Parks Department.

The Complainant was not present. Nobody in the audience presented facts and evidence on behalf of the complainant.

Respondent Olive Gong said the Recreation and Parks Department has provided the complainant and the Task Force with the specific statutory authority for withholding the requested information in this case.

Chair Washburn suggested that the department in the future not just provide the specific statutory authority but also to include a summary of the wording of the section.

No closing remarks were made.

Motion finding that the Order of Determination has been met and no further action by the Compliance and Amendments Committee and the full Task Force was necessary. ( Knee / Snyder )

Public Comment: None.

On the motion:

Ayes: Knee, Snyder, Washburn

6. 10025 Hearing on the status of the June 22, 2010, Order of Determination in Ray Hartz v the Police Commission.

Complainant Ray Hartz said this case is about the quality of the Index of Records that is on the City's website. He said a visitor to the Index comes across a list of categories where the Police Commission has placed their records. "Correspondence" for example does not indicate what is in the file and so requests for specific documents could not be made. These records, he said, do not belong to the Police Commission, members of the Commission and the City of San Francisco. They belong, he said, to the citizens of the City of San Francisco.

Lt. Joe Reilly, Secretary of the Police Commission, said the agency did create its Index of Records and was delivered to the City Administrator's Office through the City Attorney's Office. He said the agency's Index is formatted the same way as other City departments. He said the Commission's documents including General Orders, agendas and minutes are all listed on the Commission's website and is accessible to all.

To Member Knee, Lt. Reilly said he has not approached the CAO's office and discussed how to improve the Index ever since the most recent complaint was filed and the Order of Determination issued. He also noted that the Index has been posted and has had no complaints about it.

To Member Snyder, Lt. Reilly said he has not done anything since the most recent Order of Determination was issued expect to appear before the Committee as directed.

Chair Washburn said the Commission, as well as all other departments, have not done their job if the Index is supposed to look like the index found in books and catalogues.

Member Snyder said the issue is because the statue is vague. Regardless, he said, the Order of Determination has not been met.

Lt. Reilly did not have any closing remarks. Ray Hartz said the issue also involves whether the department or agency is maintaining records as required by the Ordinance. The Index, he said, does not say what it has and where it is stored in a businesslike fashion. It does not have any updates since it was posted in 2009, he said. He said he was also filing a complaint against the City Attorney's Office because it was responsible for bringing it down to the level it is at.

Member Knee suggested continuing the matter to August so that the Committee could invite a representative from the City Administrator's Office to explain how to end this information void once and for all.

Motion to continue item to the next regular meeting of the Compliance and Amendments Committee and instruct the person from the City Administrator's Office who is responsible for the Index of Records to attend the next regular meeting of the committee to discuss how to make the Index more user-friendly and what departments need to do to adhere to Section 67.29 of the Ordinance. ( Knee / Snyder )

Public Comment: Kimo Crossman said the standard to use to test the usefulness of the Index was to visit the Library and see how their index their holdings.

On the motion:

Ayes: Knee, Snyder, Washburn

7. Developing recommendations for the proposed Task Force electronic document retention policy.

Members decided to invite a knowledgeable person from the Department of Technology to update the Committee on what is and what is not possible.

Public Comment: Kimo Crossman said he was very disappointed because it was not a technological issue and that it had being discussed for more than two years and nothing has happened.

8. Administrator's Report.

Mr. Rustom made the report.

9. Public Comment on items not listed on the agenda.

Ray Hartz said he does not have a vendetta against the Police Department, Police Commission and the City Attorney's Office. He said City workers believe they have the right to stop you short while you exercise your First Amendment right and that they also think that they can hold City documents hostage. These employees, he said, face the possibility of lawsuits because they are acting outside the law. Kimo Crossman urged the Task Force members to consider the move to audio live streaming and or video live streaming of meetings. The best way to show City staff that it can be done is for the Task Force to do it, he said.

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

**Adjournment**

**The meeting adjourned at 5:39 p.m.**

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