

Date: Sept. 10, 2008

Item No. 4
File No. 08024

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

- Order Of Determination Michael Addario vs Arts Commission**
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Completed by: Chris Rustom

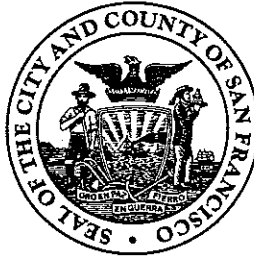
Date: Sept. 5, 2008

***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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ORDER OF DETERMINATION
August 4, 2008

DATE THE DECISION ISSUED
July 22, 2008

MICHAEL ADDARIO v. SAN FRANCISCO ARTS COMMISSION (08024)

FACTS OF THE CASE

Michael Addario who is active with the street artist program claims that the Arts Commission had taken certain actions at its regular scheduled meetings without having first provided an opportunity to the Street Artists Committee or the Street Artist Program to discuss the Commission's proposals at the Committee level.

COMPLAINT FILED

On May 8, 2008, Michael Addario filed a complaint against the Arts Commission alleging violations of the Sunshine Ordinance for: (1) its failure to provide notice to the Street Artists Committee or the Street Artist Program before it noticed on the Commission Agenda the proposed change in the Committee meeting schedule and failure to allow the Street Artists Committee the opportunity to discuss the change at its own meeting; (2) a proposed honorarium payment of not more than \$2500 to Rick Elizaga Design for design and creation of the Street Artists Program website; and (3) there may have been a seriatim meeting of the Committee or Commission members regarding the proposed change in the Street Artists Committee meeting schedule.

HEARING ON THE COMPLAINT

On July 22, 2008, Complainant Michael Addario appeared before the Task Force and presented his Complaint. The Commission sent a letter to the Task Force explaining its position soon after the complaint was filed and at the hearing before the full Task Force, a representative from the Commission was present at the beginning of the meeting but when the case was called, he/she was not present

The issue in the case is whether the Commission violated Section(s) 67.3, 67.4 & 67.6 (e) of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Task Force considered the materials submitted by the Commission, but did not find it properly addressed the seriatim meeting issue involving the two commissioners of the Street Artists Committee who decided to recommend to the full Commission a change of the committee meeting schedule without the benefit of public comment at a committee level

ORDER OF DETERMINATION

meeting. The Task Force did not vote on or find a violation with respect to the other two allegations.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Commission violated Section 67.5 of the Sunshine Ordinance for holding a seriatim meeting at the committee level through the two committee members at a non-public meeting and without public input. The Commission shall appear before the Compliance and Amendments Committee on August 13, 2008, to further discuss the violation.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 22, 2009, by the following vote: (Pilpel / Goldman)

Ayes: Craven, Knee, Washburn, Knoebber, Pilpel, Chu, Goldman, Williams

Excused: Cauthen, Gokhale, Chan



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

- c: Ernie Llorente, Deputy City Attorney
- Michael Addario
- Howard Lazar, Arts Commission
- Luis Cancel, Arts Commission