

Date: Sept. 14, 2010

Item No. 2

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

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*

- Draft Minutes: Compliance and Amendments August 10, 2010**
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Completed by: Chris Rustom

Date: Sept. 9, 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, August 10, 2010  
4:00 p.m., City Hall, Room 406

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

**Call to Order:** 4:00 p.m. Quorum reached at 5:14 p.m.

**Roll Call:** Present: Washburn, Knee, Wolfe (in at 5:12)  
Excused: Snyder

**Deputy City Attorney:** Frank Brass (not present)  
**Clerk:** Chris Rustom

**Agenda Changes:** Item x heard before Item x.

1. Approval of March 3, 2010, meeting minutes.  
  
Motion to approve March 3, 2010, meeting minutes ( Wolfe / Knee )  
  
Public Comment: None  
  
On the motion:  
Ayes: Knee, Wolfe, Washburn  
  
Motion passes.
2. Approval of March 9, 2010, meeting minutes.  
  
Motion to continue March 9, 2010, meeting minutes. Without objection.  
  
Public Comment: None
3. Approval of the July 13, 2010, meeting minutes.  
  
Motion to approve July 13, 2010, meeting minutes ( Wolfe / Knee )  
  
Public Comment: None  
  
On the motion:

Ayes: Knee, Wolfe, Washburn

Motion passes.

4. 10013 Hearing on the status of the May 25, 2010, Order of Determination in Nick Pasquariello v the Department of Technology.

Complainant Nick Pasquariello said the Bay Area Video Coalition has yet to supply him with the documents mentioned in the Order of Determination. He also wanted to know where the Department of Technology fits into the hearing because his complaint was against BAVC.

Krisana Hodges, counsel for BAVC, said all the documents that the complainant requested are available on the department's website. The department has also printed the documents and has given it to the complainant. She also said the complainant confirmed to her that he had received all the documents and that none were outstanding.

To Member Knee, Mr. Pasquariello said he has received the documents from the department. However, he said the Order of Determination said it had to come from BAVC and BAVC has not produced the documents. He said pointing a person to a website does not fulfill a public records request.

Ms. Hodges told Member Knee that BAVC's contract with the department calls for BAVC to work closely with the department in making information available. She said Barry Fraser of the Department of Technology, Mr. Pasquariello and she got together and as a group worked to produce the requested documents. She again said that she asked him after the Task Force hearing if he needed anything else from BAVC and he had said that he did not.

Member Wolfe said BAVC was found to be in violation and because of that finding, BAVC has to produce the documents.

In closing, Ms. Hodges said this case is not about shifting of responsibility but it is simply focusing on practicality and doing it in conjunction with the department. Mr. Pasquariello said he had nothing more to add except that the ruling at the end of the day would only help him to learn how the Task Force operates and what to expect in the future..

Public Comment: Ray Hartz said it is not unreasonable to specifically ask the parties in a contract for their copies of the document for comparison purposes because there is a possibility of having variations. He said BAVC is also trying to shift their responsibility on the department to avoid having to deal with future requests. Steve Zelser said BAVC has not got the message that they are responsible. He also said it was troubling to hear that BAVC had said at the Board of Supervisors Rules Committee hearing that they had not violated the Sunshine Ordinance.

Motion to refer this matter back to the Task Force with a recommendation that it be forwarded to the Ethics Commission because of willful violation for failure to comply with the May 25, 2010, Order of Determination. ( Knee / Wolfe )

On the motion:  
Ayes: Knee, Wolfe, Washburn

Motion passes.

5. 10025 Hearing on the status of the June 22, 2010, Order of Determination in Ray Hartz v the Police Commission.

Complainant Ray Hartz said his concern is about the substance of the Index of Records. He said the question was not what he can guess what is where, but it is what is there that he cannot see. He said he can probably guess the existence of a report, but for someone who does not know the report exists, the Index is not helpful.

Motion to refer this matter back to the Task Force to provide another opportunity for the Police Commission to demonstrate that the Police Commission's Index of Records enables members of the public to learn the types of information and documents maintained by and for the Commission per Section 67.29 and if the Police Commission does not satisfy then to refer to an enforcement agency for willful violation. ( Wolfe / Knee )

On the motion:  
Ayes: Knee, Wolfe, Washburn

Motion passess.

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

The matter was continued.

7. Administrator's Report.

Mr. Rustom made the report.

Public Comment: None

8. Public Comment on items not listed on the agenda.: Ray Hartz

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

Member Wolfe apologized for his late arrival. Chair Washburn said it she would place it on the agenda.

## **Adjournment**

**The meeting adjourned at 6:45 p.m.**

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