

Date: Oct. 10, 2011

Item No. 1

File No. _____

SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST*

- Draft Minutes: Sept. 13, 2011**
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Chris Rustom

Date: Oct. 7, 2011

***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.



<http://www.sfgov.org/sunshine>

**SUNSHINE ORDINANCE TASK FORCE
COMPLIANCE AND AMENDMENTS COMMITTEE
DRAFT MINUTES**

Tuesday, September 13, 2011
4:00 p.m., City Hall, Room 406

Committee Members: Allyson Washburn, David Snyder, Richard Knee, Bruce Wolfe, Hope Johnson

Call to Order: 4:00 p.m.

Roll Call: Present: Washburn, Snyder, Wolfe, Johnson
Absent: Snyder, Knee

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

Agenda Changes: Item 9 heard before Item 7.

Member Wolfe, seconded by Member Johnson, motioned to excuse Member Knee.

Public Comment: None.

The motion carried by the following vote:

Ayes: 3 - Wolfe, Johnson, Washburn
Absent: 1 - Snyder

1. Approval of March 8, 2011, regular meeting minutes.

Approx. 0:01:09 **Member Wolfe, seconded by Member Johnson, motioned to approve the March 8, 2011, regular meeting minutes.**

Public Comment: None.

The motion carried by the following vote:

Ayes: 3 - Wolfe, Johnson, Washburn
Excused: 1 - Knee
Absent: 1 - Snyder

2. Approval of July 12, 2011, regular meeting minutes.

Approx. 0:03:17 **Member Wolfe, seconded by Member Johnson, motioned to approve the July 12, 2011, regular meeting minutes.**

Public Comment: None.

Member Snyder noted present at 4:06 p.m.

The motion carried by the following vote:

Ayes: 4 – Snyder, Wolfe, Johnson, Washburn
Excused: 1 – Knee

3. Approval of August 9, 2011, regular meeting minutes.

Approx. 0:06:39 **Member Wolfe, seconded by Member Johnson, motioned to approve the August 9, 2011, regular meeting minutes.**

Public Comment: Ray Hartz, San Francisco Open Government, said the Task Force should have certain expectations from the administrator that should not be under the control of the Clerk of the Board.

The motion carried by the following vote:

Ayes: 4 – Snyder, Wolfe, Johnson, Washburn
Excused: 1 – Knee

4. 11042 Hearing on the status of the August 23, 2011, Order of Determination of Cynthia Carter v the San Francisco Municipal Transportation Agency.

Approx. 0:22:55

The Complainant was not present. There was no one in the audience to present facts and figures on behalf of the Complainant. The Respondent was not present. There was no one in the audience to present facts and figures on behalf of the Respondent.

Member Wolfe, seconded by Member Johnson, motioned to continue the item to the October 11, 2011, meeting.

Public Comment: None.

The motion carried by the following vote:

Ayes: 4 – Snyder, Wolfe, Johnson, Washburn
Excused: 1 – Knee

5. 11054 Hearing on the status of the August 23, 2011, Order of Determination of Ray Hartz v Luis Herrera of the Public Library.

Approx. 0:26:20

Heard: Complainant Ray Hartz presented a status report. Luis Herrera of the Public Library was not present. No one in the audience presented facts and information on

behalf of the Public Library.

Member Snyder, seconded by Member Wolfe, motioned to have the matter referred back to the Task Force with a recommendation that it be forwarded to the Ethics Commission and the District Attorney for failure to comply with the Order of Determination. A copy of the letter is also to be sent to the Civil Grand Jury.

Public Comment: None.

The motion carried by the following vote:

Ayes: 4 – Snyder, Wolfe, Johnson, Washburn
Excused: 1 – Knee

6. 10054 Reconsideration of the January 25, 2011, Order of Determination of Ray Hartz v Library Commission.

Approx. 0:53:15 Member Johnson said the second sentence in the Order of Determination under “Finding of Facts and Conclusion of Law” was erroneous and needed to be struck out.

Member Johnson, seconded by Member Wolfe motioned to forward the matter to the full Task Force.

Public Comment: Ray Hartz noted that the City Attorney has been careful to only issue memorandums on topics in the Good Government Guide and has not issued legal opinions which have to have a certain style and a signature.

The motion carried by the following vote:

Ayes: 4 – Snyder, Wolfe, Johnson, Washburn
Excused: 1 – Knee

7. Next steps on Ethics Commission proposed policy for handling Sunshine-related complaints.

Approx. 1:43:00 Members discussed the issue and agreed to write to the Ethics Commission to request a joint meeting. Chair Washburn agreed to draft the letter.

Public Comment: None.

8. Administrator’s Report.

Approx. 1:46:25 Mr. Rustom made the report.

Public Comment: None.

9. Public Comment on items not on the agenda.

Approx. 1:26:55 Ray Hartz said the Sunshine Ordinance is an extension of the First Amendment, the Constitution of the United States, the California Constitution, the Brown Act and similar documents. He said he goes to meetings to see what he might discover and to make sure that the public's voice is heard and that public documents are made available to the public. Alicia Garmez said Dr. Rajiv Bathia of the Department of Public Health has told her that he has hundreds of documents for her but has yet to provide her with one. She also said she has not heard about the mission of the Noise Ordinance Task Force being extended.

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

Approx. 1:48:10 On Member Wolfe's request Chair Washburn told the clerk to add an item on the next agenda that discusses the role of the Compliance and Amendments Committee. Member Johnson said the Ethics Commission's website has a listing that shows the Sunshine complaints that were dismissed. Member Wolfe said the item should be put on the Task Force agenda and discussed by members.

Adjournment

There being no further business, the Compliance and Amendments Committee adjourned at the hour of 5:53 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>