

Date: September 13, 2011

Item No. 1  
File No. \_\_\_\_\_

## SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST\*

- Draft Minutes: Compliance and Amendments March 8, 2011**
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Completed by: Chris Rustom

Date: Sept. 9, 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, March 8, 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: Knee, Washburn, Wolfe (in at 4:37), Johnson  
Excused: Snyder
- Deputy City Attorney:** Jerry Threet (not present)
- Clerk:** Chris Rustom
- Agenda Changes:** Item #6 heard before Item #3

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

Starts about 0:00:52 **Member Knee, seconded by Member Johnson, motioned to approve the minutes.**

**Public Comment:** Tomas Picarello said the Task Force is not serving the public when it does not provide detailed minutes. He suggested asking the Clerk of the Board to have the meetings be videotaped or request that an additional person be added to staff. Allen Grossman said the ordinance calls for the Clerk of the Board to appoint an administrator who only answers to the Task Force. He said if a person wants to know why a case is referred to the Ethics Commission that person has to spend hours listening to the audio.

**The motion carried on the following vote:**  
Ayes: 3 – Knee, Johnson Washburn  
Excused: 2 – Snyder, Wolfe

2. 10059 Continued hearing on the status of the January 25, 2011, Order of Determination of Dorian Maxwell against the SF Municipal Transportation Agency.

Starts **Heard:** Complainant Dorian Maxwell and Respondent Cyndia Chambers provided

about their status reports.  
0:16:37

**Member Knee, seconded by Member Wolfe, motioned to send the matter back to the Task Force with a recommendation that it be forwarded to the Education, Outreach and Training Committee.**

**Public Comment:** Tomas Picarello said a willful violation of the Ordinance should be part of the Order of Determination and let Muni prove that it was not. Allen Grossman said the Task Force should focus on the MTA leadership who have signed the Sunshine declaration form. He said the issue is non-compliance with the Order of Determination and the matter should be forwarded to the Ethics Commission.

Member Wolfe withdrew his second. Motion died for lack of a second.

**Member Wolfe, seconded by Member Johnson, motioned that the matter be sent back to the Task Force with a recommendation that SF Municipal Transportation Agency Executive Director and CEO Nathaniel P. Ford, Sr. be found in violation of Section 67.33 for failure to instruct MTA employees on Sunshine requirements and the matter be forwarded to the Ethics Commission.**

**Public Comment:** Allen Grossman said Ms. Chambers' supervisor should be named in the recommendation.

**Member Knee, seconded by Member Wolfe, motioned to replace Mr. Ford with David Hill, Director of Bus Operations.**

**Public Comment:** None.

**The motion carried on the following vote:**

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

3. 10074 Hearing on the status of the February 22, 2011, Order of Determination of William J Clark and Robert J Clark against the Arts Commission.

Starts about 1:25:37 **Heard:** Co-complainants William J. Clark and Robert J Clark provided a status report. Julio Mattos provided the Arts Commission's response.

**Member Knee, seconded by Member Wolfe, motioned to have the matter referred back to the full Task Force with a recommendation for referral to the Ethics Commission for non-compliance with the Order of Determination.**

**Public Comment:** None.

**The motion carried on the following vote:**

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

4. Ethics Commission proposed policy for handling Sunshine-related complaints.  
 Starts about 1:54:07 Chair Washburn invited Allen Grossman to the podium to discuss the topic. After further discussion the matter was continued to the April meeting.  
**Public Comment:** Tomas Picarello said he appreciated Allen Grossman's proposal on the issue but found his document to be legally unsustainable. He also said the City Attorney can enforce the Task Force's Order of Determination under Section 67.35(d).
  
5. Administrator's Report.  
 Starts about 2:48:22 Mr. Rustom made the report.  
**Public Comment:** None.
  
6. Public Comment on items not listed on the agenda.  
 Starts about 1:21:15 Allen Grossman read aloud Section 67.16 and spoke against action minutes. He said if every other board or commission can produce detailed minutes, so could the Task Force. Tomas Picarello said the Task Force needs to rethink the mechanism it has to reach out to the public because public participation would help it in enforcing the ordinance.
  
7. Announcements, questions, and future agenda items from Committee members.  
 Starts about 2:48:37 Member Wolfe suggested that the Order of Determination be officially attached to the minutes.

**Adjournment**

*There being no further business, the Compliance and Amendments Committee adjourned at the hour of 6:55 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>