

Date: Nov. 10, 2009

Item No. 2  
File No. \_\_\_\_\_

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

- Draft Minutes: Compliance and Amendments Oct. 13, 2009**
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Completed by: Chris Rustom

Date: Nov. 5, 2009

**\*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, October 13, 2009  
4:00 p.m., City Hall, Room 406**

- Committee Members:** Erica Craven-Green (Chair), Kristin Chu, Doyle Johnson, Richard Knee, Allyson Washburn
- Call to Order:** 4:03 p.m.
- Roll Call:** Present: Craven-Green, Chu, Johnson, Knee, Washburn
- Deputy City Attorney:** Jerry Threet  
**Clerk:** Chris Rustom
- Agenda Changes:** Items 7, 9 and 13 heard after Item 2

1. Approval of September 8, 2009, regular meeting minutes.  
  
Motion to approve September 8, 2009, regular meeting minutes. ( Knee / Johnson )  
  
Public Comment: Peter Warfield of the Library Users Association said the minutes should not be approved because his comments on the proposed amendments were not included. The minutes, he said, only reflected that he was given the opportunity to participate.  
  
Motion to include Mr. Warfield's comments and to continue item to next month.  
Without objection.
2. 09033 Hearing on the status of the July 28, 2009, Order of Determination of Sue Cauthen against the Library Commission.  
  
Complainant Sue Cauthen played a video segment that showed Jewel Gomez, the President of the Library Commission, instructing her to limit her comments on the North Beach Library until the item was called. She said her comment was on a general issue and not specific to the branch. She added that since the Commission has not attended follow up meetings she worried the behavior would continue.  
  
The Library Commission was not represented.  
  
Members then debated the merits and demerits of forwarding the matter to the

Ethics Commission.

In closing, Ms. Cauthen said a referral to the Ethics Commission may not be the best avenue, but for the good of the public the Commission should not be let off easy. Ms. Gomez' action did have a chilling effect on the audience, she said. She was also troubled by the fact that Commission agents have not attended Committee meetings.

Motion for Chair to write a letter to the Library Commission and cc the Mayor ( Chu / Knee )

Member Washburn offered a substitute motion.

Motion to refer this matter back to full Task Force for referral to the Ethics Commission on the basis of the willful failure as official misconduct based on the actions of the President of the Library Commission. ( Washburn / Knee )

Public Comment: Randall Evans said the Task Force should use its power and weight to help citizens get a copy of the public documents they were denied or redacted. . Ace Washington said the Task Force is the community's only avenue to reverse the ways people are treated by people holding high office. And amendments be made if the Ordinance does not have enough teeth. Peter Warfield of the Library Users Association was pleased with members' acknowledgement of the Library's violations. He urged the Task Force to take the strongest possible action against the Library and said the Task Force should file a complaint against the Library for not appearing at meetings

On the motion:

Ayes: Johnson, Knee, Washburn, Craven-Green

Noes: Chu

3. 09031 Hearing on the status of the August 25, 2009, Order of Determination of Kenneth Kinnard against the Human Rights Commission.

Chair Craven-Green read an email sent to the Sunshine office that stated Melinda Kanios of the Human Rights Commission had the documents ready to be delivered to the complainant.

Chair Craven-Green asked Mr. Kinnard to contact Ms. Kanios to see how the documents would be delivered. She then asked him to contact the Sunshine office if he believed that the Order of Determination was met in order for the item to be calendared for the next regular meeting.

Public Comment: None.

4. 09038 Hearing on the status of the August 25, 2009, Order of Determination of Anmarie Mabbutt against the Department of Recreation and Park.

Complainant Anmarie Mabbutt explained the nature and reason of the exhibits that she submitted earlier.

Respondent Olive Gong of the Department of Recreation said Park she continues to

work with the complainant to help her get what she needs and recently handed over more than 500 pages.

In closing, Ms. Gong wanted to know if there was an acceptable search period for agenda packets that date back more than a decade. Ms. Mabbutt wanted to know that if she had to file a new complaint if the 14-day extension was exhausted and no documents were forthcoming.

To Ms. Gong, Chair Craven-Green said the department, depending on its retrieval policy, has to use its best efforts to get the information. To Ms. Mabbutt, she said a new complaint needs to be filed.

Public Comment: Peter Warfield said the number of pages produced does not necessary mean that was the total number of documents retrieved and copied because in his case he requested a copy of a packet agenda and was provided with one which had over 400 pages.

Parties encouraged to work together. No further action.

5. 09042 Hearing on the status of the August 25, 2009, Order of Determination of Peter Warfield against the Public Library.

Complainant Peter Warfield of the Library Users Association said he asked for Park Branch renovation plans and was able to look at the 50 percent construction plan but when he asked for copies he was denied the document. After the Library was found in violation, the Library said it would provide the complainant with a copy but was then told that the plans had been destroyed.

The Library was not represented.

Mr. Rustom informed the Chair that he had called Sue Blackman as instructed and left her a message inquiring if she had provided Mr. Warfield with the 50 percent construction documents. Ms. Blackman called back to say she had done so, he said.

Following further clarification from Mr. Warfield, members discussed the issue further and a motion was made.

Motion requesting Chair Craven-Green to write a letter to the Library expressing displeasure at their failure to appear at the hearings, why documents were not provided and why an unusable copy of a draft was provided after five days. The Library was also to respond as to when the original was deleted and could it provide full-sized copies of the blueprint. If the Library does not respond within five days following receipt of the letter, the Compliance and Amendments Committee is to recommend a hearing at the next full Task Force meeting. ( Washburn / Johnson )

Public Comment: None

On the motion:

Ayes: Johnson, Knee, Washburn

Noes: Chu, Craven-Green

6. 09044 Hearing on the status of the August 25, 2009, Order of Determination of Peter Warfield against the Board of Appeals.

Complainant Peter Warfield said he was very disappointed by the Committee which is granting five-day extensions followed by month-long delays when the Ordinance specifically says what should be done when there is non-compliance. In this case, he said, the respondent has already said it will defy the Order of Determination.

Mr. Warfield clarified for Member Knee that the Board of Appeals is now only redacting emails and phone numbers of individuals. And that meant that the Order of Determination was not met, he said.

Motion to send matter to the full Task Force with a finding of a willful violation of 67.30 ( c ) and 67.34, and recommending a referral to the Ethics Commission for further enforcement and investigation based on the failure to comply with the Order of Determination with respect to redaction of email addresses only. ( Craven-Green / Knee )

Member Knee made a friendly amendment to add 67.21 ( e ) for failure to appear. It was accepted.

In closing, Mr. Warfield said, he supports referring the respondent to whichever higher authority for enforcement the Task Force decides. He also remarked that the department, with the assistance of an unnamed attorney, changed its rules regarding public documents one day after he visited the department.

Public Comment: None

On the motion:

Ayes: Johnson, Knee, Washburn, Craven-Green

Noes: Chu

7. 09039 Hearing on the status of the September 22, 2009, Order of Determination of Rita O'Flynn against the Mayor's Office on Housing.

Mr. O'Flynn said he was in attendance to hear the progress the Mayor's Office has made since the issuance of the Order of Determination.

Respondent Douglas Shoemaker of the Mayor's Office of Housing said the office believes it has supplied all the emails in their possession but following the issuance of the Order of Determination the office is going to replicate all the emails within the time period the O'Flynn's have requested on a rolling basis..

Chair Craven-Green asked Mr. Shoemaker to work with the Department of Technology to get a snapshot of Miss Myrna Melgar-Iton's email inbox during the time frame covered by the request and to search for emails that deal with the subject matter as requested by the n O'Flynn's.

Mr. Shoemaker agreed to but on a rolling basis.

In response, Mr. O'Flynn said Mr. Shoemaker and Department of Technology do not

know if any member of MOH deleted an email. To solve the issue, he said, it was important to get the source records restored. He wanted dates the Department of Technology had taken snapshots of, and from that list of dates he could narrow it down to a priority list.

Public Comment: None

Continued to next meeting. Without objection.

8. 09046 Hearing on complaint filed by Randall Evans against the Ella Hill Hutch Community Center for allegedly not providing documents under Chapter 12L.

Ace Washington, on behalf complainant Randall Evans, said he has been a long-time activist in the Western Addition. The Center has seen a lot of changes, he said, and the latest turnover was last year when the Mayor's Office had to step in and take control. The information he and Mr. Evans seeks, he said, is very important because they are also activists at the center and want to know who's who on the board, what their funding sources are and where was the money going.

No one else was in the audience.

Chair Craven-Green to write to the executive director of Ella Hill Hutch, Maria Su of DYCF and Dwayne Jones in the Mayor's Office explaining the situation and asking them for information the committee needs.

Matter continued to next regular meeting. Without objection.

Public Comment: Peter Warfield of the Library Users Association said the Task Force needs to look at creating a list that shows what characterization or body a particular entity falls under.

9. 09050 Hearing on the status of the September 22, 2009, Order of Determination of Randall Evans against the African American Art and Culture Complex.

Complainant Randall Evans said if any mention is made about the restraining order it would constitute slander and his attorney would act accordingly. He said Ace Washington took the request to African American Art and Culture Complex Executive Director London Breed. He said Rev Daniel Solberg, who is the secretary of the African American Unfinished Agenda Corporation, would have been the person to contact had the other party be responsive. He said he has received some information but not what he requested. He said the Art and Culture Complex offers programs that benefit the community but ignores it. Mr. Washington said he is from the Western Addition, an area where redevelopment plans are seen as a project that displaces the local community. That is why, he said, he is supporting Mr. Evans's use of the Sunshine Ordinance to collect more information so that the community can decide its future. He said City officials are at the Art and Culture Complex talking about how Federal monies are going to be used in the community but the Art and Culture Complex representatives are not returning the favor by appearing before the Task Force. He added that he is using tools available to the community to ward off big developers uprooting his community.

Respondent Jill Manton of the Arts Commission handed the Task Force a copy of what was provided to Mr. Evans and said the documents had been vetted by a deputy city attorney. She said the Arts Commission believes that it has replied and responded to all of Mr. Evans' requests. She said the reason why there were few agendas and minutes in the package could possibly be because the building was being renovated for quite some time. The respondent, she said, was very cooperative and responded to all of the requests made by the Arts Commission regarding this matter. The Art and Culture Complex has met the requirements of Administrative. Code 12L, she added.

Member Chu was told by Mr. Evans and Rev. Solberg that the documents are incomplete and does not give a full financial picture of the Art and Culture Complex. Rev. Solberg said the community has the right to know how monies provided by the City are being spent. He also added that while the Art and Culture Complex on Fillmore was being renovated the non-profit made use of a property on Turk Street.

Chair Craven-Green also told Mr. Evans that only certain types of documents have to be produced under 12L but the non-profit can voluntarily produce any kind of document it wants.

Chair Craven-Green asked Ms. Manton to inquire about the number of meetings the Art and Culture Complex had held between July 2008 and June 2009 because only two minutes have been produced. However, she added that Arts Commission may have other documents such as the Fillmore Complex lease, additional budgetary and tax returns that need to be produced.

In rebuttal, Ms. Manton that she will provide the documents to the Task Force as soon as possible.

Mr. Evans said he was dissatisfied because the Art and Culture Complex is allowed to control the release of documents. He wanted to know what he could tell the community on the outcome of this matter.

Public Comment: Peter Warfield said he was unfamiliar with the case but the practice of departments sending representatives who are not knowledgeable on the issue needs to be addressed by the Task Force because it presents a hindrance to justice.

Public Comment: Peter Warfield said the Task Force needs to address the issue of departments sending representatives not knowledgeable on the subject.

Chair Craven-Green said she would write a letter to the Art and Culture Complex and strongly recommend that they produce the list of employees and other documents Mr. Evans seeks. She would also inform the Arts Commission that it needs to produce documents it may have on the Art and Culture Complex.

10. Developing recommendations for the proposed electronic document retention policy of the Sunshine Ordinance Task Force.

Member Knee said COIT is to meet on Oct. 23, 2009. Member Washburn said she will be working to see what the standard is for federal and state agencies.

11. Continued discussion on the proposed amendments to the Sunshine Ordinance.

Chair Craven-Green said she will meet with Mr. Rustom before the next meeting to go over the procedures on how to make the changes to the amendments. She also asked members to review the amendments.

Public Comment: None

12. Administrator's Report.

Mr. Rustom made the report.

Public Comment: None

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

Public Comment: Ace Washington said he and his fellow activists are trying to bring clarity and transparency to the community and in the process are running into Willie Brown cliques and Gavin Newsom cliques. The Western Addition is tied up in a knot and it is badly in need of community reform, he said. Peter Warfield of the Library Users Association said the Task Force should schedule a special invitational meeting and select a subject to explain how Sunshine works for people in the real world.

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

DCA Threet, on Member Johnson's inquiry, said the City and County seal can be used on the flier because it is official communication of the Task Force. Public funds could be used to pay for the flier because it is a donation of public funds to the City for public use.

Public Comment: None

### **Adjournment**

**The meeting adjourned at 6:20 p.m.**

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