

Date: Dec. 9, 2008

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

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

- Draft Minutes: Compliance and Amendments for Nov. 12, 2008**
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Completed by: Chris Rustom

Date: Nov. 21, 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.



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

Wednesday, November 12, 2008  
4:00 p.m., City Hall, Room 406

**Committee Members:** Richard Knee (Chair), Erica Craven, Kristin Chu

**Call to Order:** 4:06 p.m.

**Roll Call:** **Present:** Knee, Chu  
**Excused:** Craven

**Deputy City Attorney:** Ernie Llorente  
**Clerk:** Chris Rustom

**Agenda Changes:** Items were heard in this order: 1, 2, 3, 7, 4, 5, 6, 8

1. Approval of minutes of October 8, 2008, regular meeting.

Motion to approve minutes of October 8, 2008, regular meeting ( Chu / Knee )

Public Comment: None

On the motion:  
Ayes: Chu, Knee

2. 08047 Discussion on steps taken by the Taxi Commission to ensure that 150-word summaries provided by a person speaking during a public comment period be included in the minutes

Respondent Jordanna Thigpen, the executive director of the Taxi Commission, said her agency complies with the law because the official minutes includes the 150-word statement. The reason the statements were not in the packet was because it was only a draft and not the approved final minutes. She said she foresees and fears having to print stacks of draft minutes if everybody submitted 150-word summaries

Member Chu said the Task Force's interpretation of the Ordinance is that the summaries have to be included in the minutes - draft and final. Chair Knee added that all summaries have to be included regardless of the number of submissions, which could include profanity and crude drawings. The vulgarness of the submissions would reflect on the personality of the person making the submission

and not on the office or office-holder, he added.

DCA Llorente said the ordinance does not identify the status of the minutes. The 150-word summary should be in the draft minutes if a strict approach to the Ordinance is taken. The document, he said, does not become official until it is approved. And if the 150-word statement is added to the approved minutes, then the department is in compliance.

After further discussion, Ms Thigpen agreed to

- Note in the official minutes that the 150-word summaries are at the back of the document.
- Create two binders for meetings. The binder for the commissioners would also include late correspondence related to items on the agenda. The public binder would include the 150-word submissions.
- The approved minutes would include the 150-word summaries and be made available in the office for the public.
- A link to the official minutes and the video archive on the commission's website.
- To indicate on the official minutes that pdf copies of the document would be made available upon request.

Chair Knee noted that the complainant was not present at the hearing.

Public Comment: Ray Hartz said if he as a citizen wanted to see the 150-word submissions it must be made available on the website as part of the official minutes. The public also gets a good impression of what the department faces if it included submissions that contain expletives. The draft minutes have to include the 150-word statements because it has to be approved to be part of the official minutes, he said.

### 3. Ethics Commission responses to Sunshine Ordinance violation referrals

Chair Knee said that the recent dismissal letter signed by Ethics Commission Executive Director John St. Croix showed more of the agency's internal process as it included the procedure it took in looking into the matter and the reason for dismissal. Member Chu said the EC stated in the other dismissals that the Charter preempts the Sunshine Ordinance and that the City Attorney, who is elected, has a higher authority than the Task Force, which is an appointed body.

DCA Llorente said the Ordinance is not clear on the findings and referrals the Task Force makes. Section 67.21 (e) gives full discretion to the DA and AG on matters concerning public records and Section 67.30 (c) gives referral powers to the Task Force but does not say what the enforcement agency has to do with it. The commission, he said, also investigates other departments and employees and gets its authority from the Charter. But when it comes from the Task Force, a quasi-judicial body, they don't know what to do and because the Ordinance does not address it they put it into the same process they have in place. An opportunity exists, he said, to develop a relationship with the commission because the dismissal letters indicate that their investigators are willing to talk to the Task Force.

Chair Knee said one of the issues the Task Force needs to address is the fact that the Ordinance does not prescribe penalties for official misconduct and willful

violations.

DCA Llorente said education was key as witnessed by the outcome earlier in the meeting between members and the executive director of the Taxi Commission.

Item continued to next regular meeting.

4. Continued discussion re developing recommendations on the document retention policy of City departments and the Board of Supervisors.

Member Chu appointed Member Knee as the chair of the committee that included Member Allyson, Doug Comstock, Joe Lynn and herself.

Public Comment: None

The item is on the Task Force's Dec. 2, 2008, agenda.

5. Discussion on the status of proposed Sunshine Ordinance amendments and next steps the Task Force will take regarding submitting amendments to the voters.

Chair Knee said he had notified Doug Comstock about this item and regretted that Mr. Comstock was not present.

Public Comment: None

Item continued to next regular meeting.

6. Administrator's Report.

Mr. Rustom made the report.

Public Comment: Ray Hartz said he would feel a lot better if the Ethics Commission accepted one SOTF referral. He said the commission is in open contempt of the Task Force because the dismissals indirectly say that the Task Force has not done a good job. An appropriate way to solve the issue would be to contact department heads that are always found in violation because Ethics will not act unless there are changes to the ordinance, he added.

7. Public Comment on items not listed on the agenda to be taken at 5:00 p.m. or as soon thereafter as possible.

Public Comment: None

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

Public comment: None

## **Adjournment**

**The meeting adjourned at 5:20 p.m.**

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