

Date: Dec. 13, 2011

Item No. 9

File No. 11021

SUNSHINE ORDINANCE TASK FORCE

Compliance and Amendments Committee

AGENDA PACKET CONTENTS LIST*

- Debra Benedict v Tides Center**
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Completed by: Chris Rustom

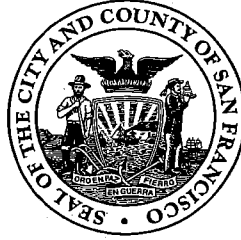
Date: Dec. 9, 2011

***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.

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
June 6, 2011

DATE THE DECISION ISSUED
May 24, 2011

DEBRA BENEDICT v TIDES CENTER (CASE NO. 11021)

FACTS OF THE CASE

Complainant Debra Benedict alleged that the non-profit Tides Center allegedly violated San Francisco Administrative Code 12L by publicizing a public meeting fewer than 30 days prior to the date it was to be held, holding the required public meeting in New York City, and not posting the notice at the Government Information Center at 100 Larkin Street.

COMPLAINT FILED

On March 15, Ms. Benedict filed a complaint against the Tides Center.

HEARING ON THE COMPLAINT

On May 24, 2011, Ms. Benedict presented her case to the Task Force. Olaitan Callender-Scott spoke for the Tides Center.

Ms. Benedict said Chapter 12L of the San Francisco Administrative Code calls for at least 2 Board meetings per year to be open to the public, members of the public who attend must be allowed to address the Board; and the nonprofit must send written notice of the meeting date, time and location to the Clerk of the Board of Supervisors for posting and to the San Francisco Main Library Government Information Center at least 30 days before the public Board meeting. She said the Tides Center's meeting notice, which was sent less than 30-days before the meeting, was only posted at the clerk's office and not at the library. The notice also said the meeting was to be held across the country in New York, New York, which made it cost prohibitive for a resident of the City and County of San Francisco to attend. She said Tides Center should have provided, at a minimum, a phone connection where interested members of the public could call in and provide public comment.

Ms. Callender-Scott, Governance Manager for Tides, said Chapter 12L does not call for the meetings to be held in San Francisco and it also does not mention the setting up of a telephone line. She said two meetings were held on the West Coast last year but did not know where the next meeting for this year is going to be held. This was the first time the issue has come up, she added. Judging from the evidence presented, the Task Force finds

that Tides Center has to make the meetings available to the public in San Francisco in real time. The Task Force interpreted Administrative Code 12L to require such local access because the core intent of the ordinance was to provide citizens of San Francisco with a vehicle to provide input to non-profits that receive City funding under contracts with the City and County of San Francisco.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Judging from the evidence presented, the Task Force finds that Tides Center has to make the meetings available to the public in San Francisco in real time. The Task Force interpreted Administrative Code 12L to require such local access because the core intent of the ordinance was to provide citizens of San Francisco with a vehicle to provide input to non-profits that receive City funding under contracts with the City and County of San Francisco.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated the San Francisco Administrative Code Chapter 12L Section 4(c) for denying access to the public meeting and failing to provide the opportunity to provide local public comment.. The agency shall appear before the Education, Outreach and Training Committee on July 14, 2011.

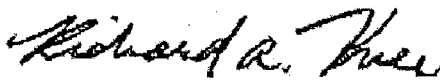
This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 24, 2011, by the following vote: (Wolfe/Snyder)

Ayes: Snyder, Cauthen, Wolfe, Chan, Johnson, Knee

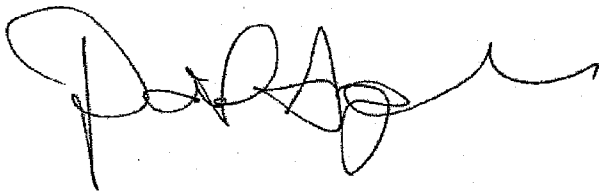
Recused: Manneh, Costa

Excused: Washburn, Knoebber

Absent: West



Richard A. Knee, Chair
Sunshine Ordinance Task Force



David Snyder, Member, Seat #1*
Sunshine Ordinance Task Force

c: Debra Benedict, Complainant
Olaitan Callender-Scott, Respondent
Jerry Threet, Deputy City Attorney

***Sunshine Ordinance Task Force Seat #1 is a voting seat held by an attorney specializing in sunshine law.**